

ALASKA LEGISLATURE COMMITTEE FILES 2007-2008 RES 12721

Consider the grammar. The Second Amendment is about the right to "keep and bear arms." Before the conjunction "and" there is a right to "keep," meaning to possess. This word would be superfluous if the Second Amendment were only about bearing arms as part of the state militia. Reading these words to restrict the right to possess arms strains common rules of composition.

Colonial history and politics are also instructive. James Madison wrote the Bill of Rights to provide a political compromise between the Federalists, who favored a strong central government, and the Anti-Federalists, who feared a strong central government as an inherent danger to individual rights. In June 1789, then Rep. Madison introduced 12 amendments, a "bill of rights," to the Constitution to convince the remaining two of the original 13 colonies to ratify the document.

Madison's draft borrowed liberally from the English Bill of Rights of 1689 and Virginia's Declaration of Rights. Both granted individual rights, not collective rights. As a result, Madison proposed a bill of rights that reflected, as Stanford University historian Jack Rakove notes, his belief that the "greatest dangers to liberty would continue to arise within the states, rather than from a reconstituted national government." Accordingly, Mr. Rakove writes that "Madison justified all of these proposals (Bill of Rights) in terms of the protection they would extend to /individual /and minority rights."

One of the earliest scholars of the Constitution and the Bill of Rights, Supreme Court Justice Joseph Story, confirmed this focus on individuals in his famous "Commentaries on the Constitution of the United States" in 1833. "The right of the citizens to keep and bear arms," Story wrote, "has justly been considered, as the palladium of the liberties of republics, since it offers a strong moral check against the usurpation and arbitrary power of rulers . . ."

It is also important to consider the social context at the time of the drafting and adoption of the Bill of Rights. Our Founding Fathers lived in an era where there were arms in virtually every household. Most of America was rural or, even more accurately, frontier. The idea that in the 1780s the common man, living in the remote woods of the Allegheny Mountains of western Pennsylvania and Virginia, would depend on the indulgence of his individual state or colony -- not to mention the new federal government -- to possess and use arms in order to defend himself is ludicrous. From the Minutemen of Concord and Lexington to the irregulars at Yorktown, members of the militias marched into battle with privately-owned weapons.

Lastly, consider the empirical arguments. The three D.C. ordinances at issue are of the broadest possible nature. According to the statute, a person is not legally able to own a handgun in D.C. at all and may have a long-gun -- even in one's home -- only if it is kept unloaded and disassembled (or bound with a trigger lock). The statute was passed in 1976. What have been the results?

Illegal guns continue to be widely available in the district; criminals have easy access to guns while law-abiding citizens do not. Cathy L. Lanier, Acting Chief of Police,

Metropolitan Police Department, was quoted as follows: "Last year [2006], more than 2,600 illegal firearms were recovered in D.C., a 13% increase over 2005." Crime rose significantly after the gun ban went into effect. In the five years before the 1976 ban, the murder rate fell to 27 from 37 per 100,000. In the five years after it went into effect, the murder rate rose to 35. In fact, while murder rates have varied over time, during the 30 years since the ban, the murder rate has only once fallen below what it was in 1976.

This comports with my own personal experience. In almost 14 years as prosecutor and as head of the Homicide Unit of the Wayne County (Detroit) Prosecutor's Office, I never saw anyone charged with murder who had a license to legally carry a concealed weapon. Most people who want to possess guns are law-abiding and present no threat to others. Rather than the availability of weapons, my experience is that gun violence is driven by culture, police presence (or lack of same), and failures in the supervision of parolees and probationers.

Not only does history demonstrate that the Second Amendment is an individual right, but experience demonstrates that the broad ban on gun ownership in the District of Columbia has led to precisely the opposite effect from what was intended. For legal and historical reasons, and for the safety of the residents of our nation's capital, the Supreme Court should affirm an individual right to keep and bear arms.

\*/Mr. Cox is the attorney general of Michigan./\*

Remarks  
FOR  
Floor  
consideration  
2  
Floor Session February 1, 2008

Move: Senate Resources CS for Senate Concurrent  
Resolution No. 13

Short title: AMICUS BRIEF REGARDING RIGHT TO  
BEAR ARMS

**First change:** replace the name of the case: "Parker v.  
District of Columbia" with "District of Columbia v. Heller"  
in **three** occurrences: 1. title  
2. first "WHEREAS" clause  
3. "RESOLVED" clause

**Second change:** deletes the "WHEREAS" clause on Pg.  
2 lines 21-24, pertaining to the crime rate in Alaska's  
largest city and a position taken by it's mayor relative  
to gun dealers. It became apparent after the resolution  
was drafted & introduced that the mayor had reversed  
his position supporting the mayor of New York. That  
statement is no longer there.

**SJR**

**17**

**SENATE COMMITTEE REPORT  
First Committee of Referral**

DATE: 2/19/08

FURTHER:

Date of 5-Day Notice: \_\_\_\_\_  
(in accordance with Uniform Rule 23)

DATE TURNED  
IN TO OFFICE: \_\_\_\_\_

Resources Committee considered SENATE JOINT RESOLUTION NO. 17

SJR 17 OFFSHORE OIL & GAS REVENUE

Urging the United States Congress to provide a means for consistently sharing, on an ongoing basis, revenue generated from oil and gas development on the outer continental shelf with all coastal energy-producing states to ensure that those states develop, support, and maintain necessary infrastructure and preserve environmental integrity.

and recommends:

- be replaced with  SCS or  CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous  SCS or  CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt \_\_\_\_\_ Letter of Intent
- further referral to \_\_\_\_\_ Committee

<b>SENATE BILL:</b>
<input type="checkbox"/> Same Title
<input type="checkbox"/> New Title
<hr/>
<b>HOUSE BILL:</b>
<input type="checkbox"/> Same Title
<input type="checkbox"/> Technical Title Change
<input type="checkbox"/> New Title w/ SCR # _____

NEW FISCAL NOTE(S):

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS	PRINTED LAST NAME	Do PASS	Do NOT PASS	No Rec	AMEND
	Wielechowski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	WAGONER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Green	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	McBurre	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Street	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CHAIR:	Huggins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

# ALASKA STATE LEGISLATURE

*Session*  
State Capitol, Rm 115  
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Co-chair  
Joint Armed Services Committee

Member  
Resources Committee  
Judiciary Committee  
Transportation Committee

Senator\_Bill\_Wielechowski@legis.state.ak.us

## SENATOR BILL WIELECHOWSKI

### SJR 17:

### Securing a Fair Share for Alaska of Offshore Oil Revenues

SJR 17 urges Congress to provide Alaska with a share of federal revenue from oil and gas leasing and development off Alaska's coast.

Under current law, Alaska receives virtually no revenue from oil and gas leasing and development that occurs more than six miles off our coast. This contrasts with how other states, including Louisiana, Mississippi, Alabama and Texas, are treated. Under the 2006 Gulf of Mexico Energy Security Act, these states receive 37.5 percent of revenues from newly leased federal waters off their coasts. This new law is expected to direct more than \$13 billion to Louisiana alone over the next three decades.

Alaska deserves to be treated in the same way as other states that contribute to our nation's energy security. Like other energy-producing states, Alaska bears the costs of infrastructure in support of offshore development, and our coastal resources and residents bear the impacts of offshore development. Alaskans deserve to share in the benefits of production, just as we do its costs.

The federal Minerals Management Service estimates that there could be as much as 55 billion barrels of technically recoverable oil and 280 trillion cubic feet of technically recoverable gas off Alaska's coast.

Recently companies bid \$2.6 billion for access to tracts in the Chukchi Sea. More than 1.4 million acres off Alaska's coast have already been leased by the federal government. The Chukchi Sea sale could result in the leasing of an additional 2.7 million acres.

As more lands off Alaska's coast are leased for offshore oil production, we need to ensure that Alaska gets its fair share of the benefits of that leasing and production. It's time Congress treated all coastal states equally and fairly. Please join me in supporting SJR 17.

# ALASKA STATE LEGISLATURE

Co-chair, Joint Armed Services  
Committee

•  
Resources Committee

•  
Judiciary Committee

•  
Transportation Committee



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## SENATOR BILL WIELECHOWSKI

February 21, 2008

Senator Charlie Huggins, Chair  
Senate Resources Committee  
Room 119, State Capitol  
Juneau, Alaska 99801

I respectfully request a hearing on SJR 17, a resolution urging the Congress to provide Alaska with a fair share of revenue from oil and gas leasing and development in the outer continental shelf off our coast.

Under current law, Alaska receives virtually no revenue from oil and gas leasing and development that occurs more than six miles off our coast. This contrasts with how other states, including Louisiana, Mississippi, Alabama and Texas, are treated. Under the 2006 Gulf of Mexico Energy Security Act, these states receive 37.5 percent of revenues from newly leased federal waters off their coasts. This new law is expected to direct more than \$13 billion to Louisiana alone over the next three decades.

Alaska deserves to be treated in the same way as other states that contribute to our nation's energy security. Like other energy-producing states, Alaska bears the costs of infrastructure in support of offshore development, and our coastal resources and residents bear the risks of impacts from offshore development. Alaskans deserves to share in the benefits of production, just as we do its costs.

Thank you for your speedy consideration of this request,

A handwritten signature in black ink, appearing to read "Bill Wielechowski".

Senator Bill Wielechowski

# ALASKA STATE LEGISLATURE

Sen. Charlie Huggins, Chair  
Sen. Bert Stedman, Vice Chair  
Sen. Lyda Green  
Sen. Gary Stevens  
Sen. Lesil McGuire  
Sen. Bill Wielechowski  
Sen. Thomas Wagoner



State Capitol, Room 119  
Juneau AK 99801-1182  
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**Senate Resources Committee**  
Butrovich Room 205  
Friday, March 14, 2008  
3:30-5:30 p.m.

## AGENDA

➤ **SJR 17 Securing a Fair Share for Alaska of Offshore Oil Revenues**

**Senator Wielechowski**  
**Michelle Sydeman, Staff to Sen. Wielechowski**

**Online: Kurt Gibson, Deputy Dir. Div of Oil & Gas**

Testimony: Time Limit May Be Set

➤ **Presentation: Alaska Natural Gas Pipeline & AGIA**

**Steve Porter, LB&A Consultant**

Testimony: By Invitation

**1. Gavel In & Call to order:**

Note time – and members present

*Passed out to  
SPES  
3-14-08*

✓ **2. SJR 17 Securing a Fair Share for Alaska of Offshore Oil Revenues**

Senator Wielechowski

Michelle Sydeman, Staff to Sen. Wielechowski

Online: Kurt Gibson, Deputy Dir. Div of Oil & Gas

Open testimony IF anyone is signed up

need Motion to adopt vs/C

**3. Presentation: Alaska Natural Gas Pipeline & AGIA**

Steve Porter, LB&A Consultant

Testimony by Invitation

Reminder: Next week is "action packed," in addition to several pieces of legislation [SB 214; SB 284; HJR 14; SB 237; & SB 301] we'll hear the Governor's nominations for

Board of Game

Board of Fisheries

Ak Commercial Fisheries Entry Commission

Big Game Commercial Services Board

We are scheduled for business on Saturday but will try to conclude our business before that to allow a breather over the Easter week-end.

Meeting Adjourned @ \_\_\_\_\_

**SJR 17 Securing a Fair Share for Alaska of Offshore  
Oil Revenues**

out 3/14/08  
SRES

**SJR 17 vs C**

- 1. Sponsor Statement**
- 2. Revenue from Ak OCS**
- 3. Press**

**SENATE JOINT RESOLUTION NO. 17**

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

**TWENTY-FIFTH LEGISLATURE - SECOND SESSION**

**BY SENATOR WIELECHOWSKI**

**Introduced: 2/19/08**  
**Referred: Resources**

**A RESOLUTION**

1 **Urging the United States Congress to provide a means for consistently sharing, on an**  
2 **ongoing basis, revenue generated from oil and gas development on the outer continental**  
3 **shelf with all coastal energy-producing states to ensure that those states develop,**  
4 **support, and maintain necessary infrastructure and preserve environmental integrity.**

5 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 **WHEREAS**, under the Mineral Lands Leasing Act of 1920, the federal government  
7 shares with the states 50 percent of revenue from mineral production on federal land within  
8 each state's boundaries; and

9 **WHEREAS** the shared mineral production revenue is distributed to the states  
10 automatically, outside of the budget process, and is not subject to appropriation; and

11 **WHEREAS** there is not a similar authority for the federal government to share federal  
12 oil and gas revenue generated on the outer continental shelf with adjacent coastal states,  
13 despite the vital contribution made by those states to our nation's energy, economic, and  
14 national security needs in support of production from the outer continental shelf; and

15 **WHEREAS** the states that sustain this critical energy production and development

1 deserve a share of the revenue generated because they provide infrastructure to support  
2 offshore operations and because of the environmental effects and other risks associated with  
3 oil and gas development on the outer continental shelf; and

4 **WHEREAS**, under the Gulf of Mexico Energy Security Act of 2006, the federal  
5 government recognized the contributions made by Alabama, Louisiana, Mississippi, and  
6 Texas to national security and agreed to give them 37.5 percent of revenue from oil and gas  
7 development in newly leased federal waters in the Gulf of Mexico; and

8 **WHEREAS** other coastal states, including Alaska and California, also support and  
9 should receive, on a regular and ongoing basis, a fair share of revenue generated through  
10 development on the outer continental shelf as compensation and reward for their contributions  
11 to the nation's energy supply, security, and economy; and

12 **WHEREAS** there are presently 263 active oil and gas leases off Alaska's coast,  
13 covering more than 550,000 hectares; and

14 **WHEREAS**, since statehood, oil and gas production from the outer continental shelf  
15 off Alaska's coast has generated millions of dollars in revenue for the federal government; and

16 **WHEREAS** the February 2008 lease sale in the Chukchi Sea generated an additional  
17 \$2,600,000,000 in revenue for the federal government;

18 **BE IT RESOLVED** that the Alaska State Legislature urges the United States  
19 Congress to provide a means for consistently sharing, on an ongoing basis, revenue generated  
20 from oil and gas development on the outer continental shelf with all coastal energy-producing  
21 states to ensure that those states develop, support, and maintain necessary infrastructure and  
22 preserve environmental integrity.

23 **COPIES** of this resolution shall be sent to the Honorable George W. Bush, President  
24 of the United States; the Honorable Richard B. Cheney, Vice-President of the United States  
25 and President of the U.S. Senate; the Honorable Dirk Kempthorne, United States Secretary of  
26 the Interior; the Honorable Harry Reid, Majority Leader of the U.S. Senate; the Honorable  
27 Mitch McConnell, Minority Leader of the U.S. Senate; the Honorable Nancy Pelosi, Speaker  
28 of the U.S. House of Representatives; the Honorable John Boehner, Minority Leader of the  
29 U.S. House of Representatives; the Honorable Jeff Bingaman, Chair of the U.S. Senate  
30 Committee on Energy and Natural Resources; the Honorable Ted Stevens and the Honorable  
31 Lisa Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative,

- 1 members of the Alaska delegation in Congress; and all other members of the 110th United
- 2 States Congress.

# ALASKA STATE LEGISLATURE

Co-chair, Joint Armed Services  
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•  
Resources Committee

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Transportation Committee



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## SENATOR BILL WIELECHOWSKI

For Immediate Release: February 20, 2008

### **Senator Seeks a Fair Share of Offshore Oil Revenues**

*Asks to be Treated in Same Way as Other States*

(JUNEAU) – Sen. Bill Wielechowski, D-Anchorage, introduced Senate Joint Resolution 17, which urges Congress to provide Alaska with a share of federal revenue from oil and gas development off Alaska's coast.

Under current law, Alaska receives virtually no revenue from oil development that occurs more than six miles off its coast. This contrasts with how other states, including Louisiana, Mississippi, Alabama and Texas, are treated. Under a federal law passed in 2006, these states receive 37.5 percent of revenues from newly leased federal waters off their coasts. This new law is expected to direct more than \$13 billion to Louisiana alone over the next three decades.

"Alaska deserves to be treated in the same way as other states that contribute to our nation's energy security," Wielechowski said today. "We bear the costs of infrastructure in support of offshore development, and our coastline and coastal villages bear the impacts of offshore development. Alaskans deserves to share in the benefits of production, just as we do its costs."

The federal Minerals Management Service estimates that there could be as much as 55 billion barrels of technically recoverable oil and 280 trillion cubic feet of technically recoverable gas off Alaska's coast.

Recently companies bid \$2.6 billion for access to tracts in the Chukchi Sea. More than 1.4 million acres off Alaska's coast have already been leased by the federal government. The Chukchi Sea sale could result in the leasing of an additional 2.7 million acres.

"As more lands off Alaska's coast are leased for offshore oil production, we need to ensure that Alaska gets its fair share," Senator Wielechowski said. "It's time Congress treated all coastal states equally and fairly."

###

Year	Alaska Revenues Reported by MMS 8(g) and Non 8(g)				Year Subtotal	State Disbursement	Comments
	Bonus	Rent	Royalty	Other			
<i>Published by Calendar Year</i>							
1982	\$2,055,632,336	\$1,965,516	None	\$0	\$2,057,597,852		Sale RS-2 and Sale 71
1983	\$744,332,202	\$4,248,241	\$0	\$0	\$748,580,443	N/A	Sale 57 and 70
1984	\$1,388,281,658	\$4,601,574	\$39,934	\$0	\$1,392,923,166	N/A	Sale 83 and 87
1985	\$0	\$11,603,554	\$112,088	\$0	\$11,715,642	N/A	
1986	\$0	\$7,561,960	\$56,792	\$0	\$7,618,752	\$51,438,090	Disbursement included Section 8(g) Escrow
1987	\$0	\$7,677,314	\$71,320	\$0	\$7,748,634	\$4,420,730	
1988	\$688,733,767	\$16,915,379	\$130,696	\$0	\$705,779,842	\$329,000,638	Disbursement included Section 8(g) Escrow - Sale 97, 109, and 92
1989	\$0	\$18,708,334	\$102,480	\$0	\$18,810,814	\$4,467,427	
1990	\$0	\$15,255,133	\$84,048	\$0	\$15,339,181	\$4,402,935	
1991	\$23,924,239	\$15,243,423	\$67,568	\$0	\$39,235,230	\$4,678,515	Sale 124 and 126
1992	\$0	\$7,374,262	\$67,568	\$0	\$7,441,830	\$9,676,943	
1993	\$0	\$4,392,274	\$67,568	\$0	\$4,459,842	\$9,550,625	
<b>Total by CY</b>	<b>\$4,900,904,202</b>	<b>\$116,646,964</b>	<b>\$800,962</b>	<b>\$0</b>	<b>\$5,017,251,228</b>	<b>\$417,638,903</b>	

<i>New report format introduced - Published by Fiscal Year</i>							
1994	\$0	\$1,515,389	\$0	\$86,000	\$1,601,389	\$9,518,125	New report format introduced - Fiscal Year
1995	\$0	\$546,752	\$0	\$104,432	\$651,184	\$9,444,493	Disbursement included 9,380,000 settlement payment
1996	\$14,429,363	\$1,182,292	\$0	\$67,568	\$15,679,223	\$9,528,054	Disbursement included 9,380,000 settlement payment
1997	\$253,965	\$1,267,699	\$3,981	\$98,945	\$1,624,590	\$17,330,950	Sale 144 - Disbursement included 9,380,000 settlement payment
1998	\$5,327,093	\$1,549,768	\$0	\$86,000	\$6,962,861	\$13,560,188	Sale 149 - Disbursement included 9,380,000 settlement payment
1999	\$0	\$1,360,324	\$0	\$75,746	\$1,436,070	\$14,714,847	Sale 170 - Disbursement included 13,400,000 settlement payment
2000	\$0	\$1,319,235	\$0	\$49,405	\$1,368,640	\$13,669,265	Disbursement included 13,400,000 settlement payment
<b>Total</b>	<b>\$20,010,421</b>	<b>\$8,741,489</b>	<b>\$3,981</b>	<b>\$688,098</b>	<b>\$29,323,957</b>	<b>\$87,766,920</b>	

**New report format introduced breakout of 8(g) Reported Revenues Offshore 8(g)**

Year	Alaska Offshore 8(g)				Year Subtotal	State Disbursement	Year	Alaska Offshore Non 8(g)				Year Subtotal
	Bonus	Rent	Royalty	Other				Bonus	Rent	Royalty	Other	
2001	\$0	\$1,068,331	None	\$49,136	\$1,117,467	\$13,613,543	2001					
2002	\$0	\$457,948	\$4,296,269	\$32,160	\$4,786,377	\$1,068,091	2002		\$179,101			\$179,101
2003	\$0	\$575,721	\$14,926,886	\$0	\$15,502,607	\$3,732,698	2003		\$180,013			\$180,013
2004	\$5,653,912	\$572,022	\$24,727,462	\$0	\$30,953,396	\$7,245,906	2004	\$3,249,626	\$337,180			\$3,586,806
2005	\$12,441,435	\$992,687	\$33,029,581	\$0	\$46,463,703	\$10,871,901	2005	\$34,060,294	\$766,028			\$34,834,322
2006	\$0	\$880,218	\$41,994,748	\$0	\$42,874,965	\$11,294,551	2006		\$1,169,300			\$1,169,300
2007	\$107,556	\$983,963	\$26,385,860	\$0	\$27,477,379	\$7,787,182	2007	\$41,872,577	\$1,698,032			\$43,571,609
<b>Total</b>	<b>\$18,202,903</b>	<b>\$5,630,889</b>	<b>\$146,360,806</b>	<b>\$81,296</b>	<b>\$169,176,894</b>	<b>\$66,693,871</b>		<b>\$79,190,487</b>	<b>\$4,330,653</b>			<b>\$83,521,160</b>

**Total Offshore Non 8(g) since 2001**

Year	Gulf	Pacific	Alaska	Total OCS Non 8(g)
2001	6,690,023,792.43	170,426,086.89	-	6,860,449,879.32
2002	3,869,331,822.58	77,314,628.83	179,101.00	3,946,825,552.41
2003	5,413,897,337.79	117,820,719.18	180,013.00	5,531,898,069.95
2004	4,789,694,250.28	143,169,899.96	3,586,806.00	4,936,450,956.24
2005	5,705,953,872.26	155,396,266.58	34,834,321.50	5,896,184,460.34
2006	6,928,423,150.25	216,086,449.67	1,169,300.00	7,145,678,899.92
2007	6,416,606,350.22	193,319,031.36	43,571,608.50	6,653,496,990.10
<b>Total</b>	<b>39,813,930,675.81</b>	<b>1,073,633,082.47</b>	<b>83,521,150.00</b>	<b>40,970,984,808.28</b>

Total Reported Revenue for Alaska offshore 8(g) and Non 8(g) \$5,299,272,229

Prepared by Jim Witkop, MRM COS and Stacey Browne, MRM/DAD/PMO  
 Source: MRM Accounting Year Statistical Reports, FY94-FY07 and Mineral Revenue Report for Calendar Year 1993  
 All dollar amounts shown  
 Royalties pre 2001 were for oil and gas only for Alaska 8(g) revenues  
 Royalties post 2001 were for oil and gas only for Alaska 8(g) revenues  
 Pre 2001 published statistics were not broken out by 8(g) vs. Non 8(g)  
 Pre 2001 published statistics were reported on a CY not Fiscal Year

Royalties, Rents and Bonuses prior to 1994: [http://www.mrm.mms.gov/Stats/pdfdocs/Alas\\_off.pdf](http://www.mrm.mms.gov/Stats/pdfdocs/Alas_off.pdf)  
 Royalties, Rents and Bonuses from 1994 through 2000: <http://www.mrm.mms.gov/Stats/fycolloff.htm>  
 Disbursements prior to 2001: <http://www.mrm.mms.gov/Stats/pdfdocs/disboff.pdf>  
 All data from 2001 forward: <http://www.mrm.mms.gov/MRM/abStats/Home.aspx>

Good News; thanks.

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Sharon J Long, Staff  
Senate Resources Committee  
Senator Charlie Huggins, Chair  
Interim: (907)269-0149  
Session: (907) 465-4907

2705

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**From:** Sen. Bill Wielechowski  
**Sent:** Friday, February 29, 2008 10:57 AM  
**To:** Sen. Charlie Huggins  
**Cc:** Sharon Long  
**Subject:** FW: OCS Revenue Sharing Law

Sen. Ted Stevens is supportive of SJR 17 – OCS revenue sharing. Apparently the U.S. Senate is open to discussing revenue sharing for Alaska's Outer Continental Shelf and may be discussing it soon.

**Sen. Bill Wielechowski**  
State Capitol, Room 115  
Juneau, Alaska 99801-1182  
Phone: (907) 465-2435  
Fax: (907) 465-6615

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**From:** Michelle Sydeman  
**Sent:** Friday, February 29, 2008 8:49 AM  
**To:** Sen. Bill Wielechowski  
**Subject:** FW: OCS Revenue Sharing Law

Sounds like Ted Stevens' office appreciates our OCS resolution.

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**From:** Simpson, Kevin (Stevens) [kevin\_simpson@stevens.senate.gov]  
**Sent:** Friday, February 22, 2008 9:54 AM  
**To:** Michelle Sydeman  
**Cc:** Williams, Kate (Stevens)  
**Subject:** OCS Revenue Sharing Law

Hi Michelle,

Kate relayed your message about OCS revenue sharing. We should talk soon as Sen. Baucus, together with his Finance committee staff, has become receptive to advancing our entry into this program. This was significant progress we made during Energy Bill negotiations in December, but Sen. Bingaman was and is presently our largest hurdle. He feels the program is unconstitutional and from his strong position on the Energy Committee, any modifying legislation will almost certainly have to clear him. Hence, the negotiations are ongoing.

The Chukchi sale 183 makes this timely, but there are also significant challenges in dealing with the rev distribution formula through MMS, about which we have not got a lot of clear answers.

If you want to share the general framework of the text you're considering, I'll structure TS' letter around it.  
Glad to hear of this support.

Kevin Simpson  
Legislative Assistant  
U.S. Senator Ted Stevens  
ALASKA

**HB**

**25**



# REPRESENTATIVE PAUL SEATON

## SESSION ADDRESS

State Capitol Building  
Juneau, Alaska 99801-1182  
(907) 465-2689  
Fax: (907) 465-3472  
1-800-665-2689



## INTERIM ADDRESS

345 W. Sterling Highway  
Homer, Alaska 99603  
(907) 235-2921  
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1-800-665-2689

## ALASKA STATE LEGISLATURE

House District 35

### MEMORANDUM

---

**TO:** Senator Huggins, Chair  
Senate Resources Committee

**FROM:** Representative Paul Seaton

**DATE:** Wednesday February 14, 2007

**RE:** Request for a Hearing HB 25

I respectfully request a hearing before the Senate Resources Committee on HB 25, "An Act relating to landowners' immunity for allowing use of land without charge for a recreational activity; relating to landowners' liability where landowner conduct involves gross negligence or reckless or intentional misconduct; relating to claims of adverse possession and prescriptive easements, or similar claims; and providing for an effective date."

In summary, HB 25 delineates the duties of landowners who allow free recreational use of their lands.

Attached please find: HB 25, fiscal note, sponsor statement, sectional analysis, letters of support, comparative chart of similar legislation in other states, and teleconference request form.

Staff contact: Katie Shows, ext. 2028

- 02/07/07 0175 (H) FN1: ZERO(ADM)
- 02/12/07 0209 (H) RULES TO CALENDAR 2/12/2007
- 02/12/07 0209 (H) READ THE SECOND TIME
- 02/12/07 0210 (H) ADVANCED TO THIRD READING UNAN CONSENT
- 02/12/07 0210 (H) READ THE THIRD TIME HB 25
- 02/12/07 0210 (H) PASSED Y36 E4
- 02/12/07 0210 (H) EFFECTIVE DATE(S) SAME AS PASSAGE
- 02/12/07 0212 (H) COSPONSOR(S): KELLY, GUTTENBERG, HARRIS
- 02/12/07 0212 (H) TRANSMITTED TO (S)
- 02/12/07 0212 (H) VERSION: HB 25
- 02/14/07 0240 (S) READ THE FIRST TIME - REFERRALS
- 02/14/07 0240 (S) RES, JUD
- 02/14/07 0240 (S) REFERRED TO RESOURCES
- 03/02/07 Text (S) RES AT 3:30 PM BUTROVICH 205

Similar Subject Match or Exact Subject Match

EASEMENTS

LAND

LIABILITY

PARKS & RECREATION

PROPERTY

SPORTS

TORTS

Bill Root:

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# ALASKA STATE LEGISLATURE

Sen. Charlie Huggins, Chair  
Sen. Bert Stedman, Vice Chair  
Sen. Lyda Green  
Sen. Gary Stevens  
Sen. Lesil McGuire  
Sen. Bill Wielechowski  
Sen. Thomas Wagoner



State Capitol, Room 119  
Juneau AK 99801-1182  
907-465-3878  
Fax: 907-465-3265  
800-862-3878

## Senate Resources Committee

Monday April 2, 2007  
3:30 p.m. – 5:00 p.m.

### AGENDA

- **HB 25 RECREATIONAL LAND USE LIABILITY/ADV. POSS**

Landowners' immunity for allowing use of land without charge for a recreational activity; relating to landowners' liability where landowner conduct involves gross negligence or reckless or intentional misconduct; relating to claims of adverse possession and prescriptive easements, or similar claims.

Presentation by

Representative Paul Seaton

Public Testimony: Time Limit May Be Set

- **BPH/S**

# ALASKA STATE LEGISLATURE

Sen. Charlie Huggins, Chair  
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Sen. Thomas Wagoner



State Capitol, Room 119  
Juneau AK 99801-1182  
907-465-3878  
Fax: 907-465-3265  
800-862-3878

## Senate Resources Committee

Friday March 2, 2007  
3:30 p.m. – 5:00 p.m.

### AGENDA

#### \* **Governor's Appointments, Confirmation hearings**

Big Game Commercial Services Board  
Richard A. Roher – Kodiak  
Leif Wilson – Tok

Department Commissioners:  
Denby Lloyd, Dept. of Fish and Game  
Tom Irwin, Dept. of Natural Resources  
Larry Hartig, Dept. of Environmental Conservation

Board of Game  
Robert Bell – Anchorage  
Ben Grussendorf – Sitka

Alaska Oil and Gas Conservation Commission  
Cathy P. Foerster – Anchorage

- \* **HB 25** Landowners' immunity for allowing use of land without charge for a recreational activity; relating to landowners' liability where landowner conduct involves gross negligence or reckless or intentional misconduct; relating to claims of adverse possession and prescriptive easements, or similar claims.

---

**April 2, 2007**  
**Senate Resources Bill Packet**

**HB 25– Recreational Land Use Liability**

Enclosures:

Inside front cover: Fiscal Notes

1. HB 25 (LS0174\A) ..... 1 page
2. Sponsor Statement ..... 1 page
3. Sectional Analysis ..... 1 page
4. Letters of support..... 14 pages
5. Emails of support (arr. By date)..... 12 pages
6. Liability & Recreational Use Statutes..... 7 pages
7. March 5, Seaton Memo & Packet in response to Questions  
asked @ SRES 3/2/07 meeting:
  - Memo..... 2 pages
  - Sec.09.45.052. Adverse possession..... 1 page
  - Legal Svcs memo 3/27/06 Adverse possession..... 3 pages
  - Sec. 09.65.093. Civil liability relating to aircraft  
Runways, airfields, and landing areas..... 1 page
  - Seaton memo to HJUD 2/2/07..... 5 pages
- 8 . April 2, Seaton Letter referencing ..... 1 page
  - March 21, Legal Services “gross negligence” Memo..... 1 page

continued on April 2, 2007

**March 2, 2007**  
**Senate Resources Bill Packet**

**HB 25- Recreational Land Use Liability**

Enclosures:

Inside front cover: Fiscal Notes

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6. Liability & Recreational Use Statutes.....7 pages
7. Submitted testimony 3-2-07

# FISCAL NOTE

**STATE OF ALASKA**  
**2007 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: HB 25  
 (H) Publish Date: 1/25/07

Revision Date/Time (Note if correction): 1/17/2007 Dept. Affected: Administration  
 Title An act relating to landowners' immunity RDU Risk Management  
for allowing recreational activity Component Risk Management  
 Sponsor Representative Seaton, Wilson  
 Requester House Resources Component No. 71

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

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
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>						
-----------------------------	--	--	--	--	--	--

<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 (FY2007) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2008 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 1/18/07 10:00 AM  
 Approved by: Kevin Brooks, Deputy Commissioner Date 1/22/2007  
 Agency Department of Administration

**HOUSE BILL NO. 25**

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

**TWENTY-FIFTH LEGISLATURE - FIRST SESSION**

**BY REPRESENTATIVES SEATON AND WILSON, Hawker, Ramras, Kelly, Guttenberg, Harris**

**Introduced: 1/16/07**

**Referred: Resources, Judiciary**

**A BILL**

**FOR AN ACT ENTITLED**

1    **"An Act relating to landowners' immunity for allowing use of land without charge for a**  
2    **recreational activity; relating to landowners' liability where landowner conduct involves**  
3    **gross negligence or reckless or intentional misconduct; relating to claims of adverse**  
4    **possession and prescriptive easements, or similar claims; and providing for an effective**  
5    **date."**

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

7    **\* Section 1. AS 09.65 is amended by adding a new section to read:**

8            **Sec. 09.65.202. Tort immunity for landowners' allowing recreational**  
9            **activity; adverse possession. (a) A landowner that directly or indirectly allows a**  
10           **recreational activity on the landowner's land without charge does not, by allowing that**  
11           **activity,**

12                    (1) owe a duty of care to maintain the land safe for entry or use for a  
13            recreational activity or to eliminate, alter, or control the inherent risks of a recreational

- 1 activity;
- 2 (2) owe a duty to warn persons using the land for a recreational
- 3 activity of any dangerous condition, known or unknown, apparent or hidden;
- 4 (3) owe a duty to curtail or prevent use of the land for recreational
- 5 activities;
- 6 (4) implicitly ensure that the land is safe for any purpose;
- 7 (5) confer a legal status, such as invitee or licensee, to which a special
- 8 duty of care is owed; or
- 9 (6) assume responsibility for any injury to persons or property.
- 10 (b) This section does not apply to a civil action
- 11 (1) if the landowner collects a charge for entry on the land for a
- 12 recreational activity; or
- 13 (2) that is based on intentional, reckless, or grossly negligent conduct
- 14 of the landowner.
- 15 (c) This section may not be construed to conflict with, nor does it have any
- 16 effect on, a liability release agreement between a participant in a recreational activity
- 17 and a landowner.
- 18 (d) Except as provided for under AS 09.15.052(d), land use allowed by a
- 19 landowner for a recreational activity without charge may not form the basis of a claim
- 20 for adverse possession, prescriptive easement, or a similar claim.
- 21 (e) In this section,
- 22 (1) "charge" means a fee or admission price imposed for access to or
- 23 use of land, a recreational activity, a service, an entertainment, or another activity,
- 24 except that the following is not considered a "charge":
- 25 (A) consideration received by the landowner from the state or
- 26 political subdivision for land leased or dedicated to the state or political
- 27 subdivision;
- 28 (B) property tax relief in exchange for a landowner's agreement
- 29 to open land for a recreational activity; or
- 30 (C) a contribution in kind, service, or cash from a user if all of
- 31 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 "sports or recreational
- 16 activity" in AS 09.65.290.
- 17 \* Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

# REPRESENTATIVE PAUL SEATON

## SESSION ADDRESS

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Fax: (907) 465-3472  
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## INTERIM ADDRESS

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Homer, Alaska 99603  
(907) 235-2921  
Fax: (907) 235-4008  
1-800-665-2689

## ALASKA STATE LEGISLATURE House District 35

### HB 25 Sponsor Statement

House Bill 25 encourages recreational use of private lands by protecting landowners who allow free public access to their lands.

HB 25 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 hayfield, 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 25 eliminates these ambiguities by granting immunity for the recreational use of private lands in the same manner adopted by most other states.

HB 25 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

January 18, 2007

**SUBJECT:** Sectional summary (HB 25 (Work Order No. 25-LS0174\A))

**TO:** Representative Paul Seaton  
Attn: Katic Shows

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

You have requested a sectional summary of the above described 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. Since you have not asked particular questions about the bill, the summary is intentionally brief.

Section 1. Limits the duties owed by a landowner who allows recreational activity, without charge, on the landowner's land unless the landowner acts intentionally or recklessly, or is grossly negligent. Also, provides that recreational land use may not form the basis for a claim of adverse possession or similar claim.

If I may be of further assistance, please advise.

DCB:med  
07-027.med

## Letters of Support –HB 25

### Organizations

---

Alaska Trails  
State Farm Insurance council, Lessmeier & Winters  
Kachemak Heritage Land Trust  
Alaska Outdoor Council (write-up in Outdoor Alaska publication)  
Pratt Museum  
Alaska State Chamber  
Anchor Point Chamber of Commerce  
Kenai Peninsula Borough (Resolution)  
Letters/Resolutions addressing HB 415\*  
National Rifle Association of America  
City of Homer (Resolution)  
Coalition for Homer Open Space and Trails  
Homer Soil and Water Conservation District  
The Conservation Fund

### Individuals      **HB 25**

---

Kathy S. Corp	Homer
Valarie Connor	Homer
Bill Smith	Homer
Elaine Martin	Wasillia
Mossy Kilcher	Homer
<u>Letters addressing HB 415*</u>	
James & Dianne Mahaffey	Anchorage
Kelley Griffin (Matsu Sled Dog Council)	Wasilla
Wayne Clark	Gustavus
Kathryn Kennedy	Ninilchik
Carol Grace (Snowmands Snowmachine Club)	Homer
Dave & Molly Brann (Kachemak Ski Club)	Homer

### Additional letters from the following are available upon request from the sponsor:

Milli Martin	Homer
Lois Bettini	Homer
Kevin & Jeanne Walker	Homer
Roberta Highland	Homer
Al Poindexter	Homer
David Scheer	Homer
Lindsay Winkler	Homer
Wayne Watson	Homer
Heather Beggs	Homer
Bruce Hess	Homer
Tamara Schmidt	Homer
Barb Seaman	Homer
Keineth Jones	Homer
Jeanne Parker	Homer

\*Note: Identical legislation was introduced last session under bill number HB 415. These letters of support speak to HB 415 but address the same topic/bill as HB 25.

ALASKA  
TRAILS



January 24, 2007

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

Dear Representative Seaton:

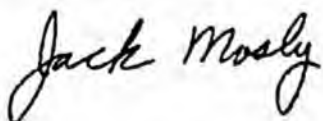
I would like you to know we continue to support your efforts to encourage recreational use of private lands by protecting landowners who allow free public access to their lands as we did last year with HB 415. We applaud your efforts in 2007 with House Bill 25, "An Act relating to landowners' immunity for allowing use of land for recreational activity..." We support 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 25 addresses that concern and we support its passage. In addition, we believe that amending AS 34.17.055 so that easements granted "to the public" also receive liability immunity is an important step in preserving and protecting public trail access.

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 HB25.

Sincerely,



Jack Mosby  
Past President

**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) 796-4999  
FACSIMILE: (907) 796-4999  
E-MAIL: HW@gcl.net

VIA HAND DELIVERY  
Representative Paul Seaton  
Alaska State Legislature  
State Capitol, Room 102  
Juneau, Alaska 99801-1182

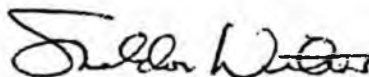
January 22, 2007

Re: HB 25

Dear Representative Seaton:

I am pleased to voice State Farm's support for House Bill 25 relating to landowners' immunity for recreational activity. If there is any information we can provide, please let me know.

Sincerely,



---

Sheldon E. Winters  
Lobbyist for State Farm

FROM : KILT

PHONE NO. : 9072355263

Jan. 23 2007 10:31AM PT



## 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)

January 23, 2007

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

Dear Representative Seaton,

Thank you for taking the lead to sponsor and push House Bill 25 through the legislative process during this session. I write today to express strong support for the passage of this bill on behalf of the board of directors, staff and over 400 supporters of Kachemak Heritage Land Trust.

As you know, Kachemak Heritage Land Trust has worked on trails issues, and access for the public in general, for many years. Without a doubt, the potential for liability to private landowners allowing access to the public presents one of the few problems to creating viable trail networks for our community. Most landowners support trail development and use and would almost certainly allow the public to cross their lands if the liability in doing so were lessened.

The passage of House Bill 25 will make a significant difference in the development of a comprehensive network of public trails, enhancing recreational opportunities for both residents and visitors. This action will result in improved public health, increased economic vitality and a land-use planning tool that can be counted on as the Kenai Peninsula – and other rapidly-developing areas of Alaska – develop more residential areas.

Thanks very much for your time and attention. We will make our membership aware of this upcoming bill and will ask that they contact you and Senator Stevens to express their support.

Sincerely,

A handwritten signature in black ink, appearing to read "Barbara Seaman". The signature is fluid and cursive, written over a light background.

Barbara Seaman  
Executive Director

highway. With support from the AOC Representative Bill Stoltze and Senator Charlie Huggins sponsored legislation to create the **Knik River Public Use Area** after some people proposed banning ATVs and airboats from the area. The Department of Natural Resources will now initiate a public process to determine just how the area is regulated. Watch for more details here, or in AOC Email Alerts.

Rep. Stoltze introduced legislation that would allow the **Mat-Su Borough** to take state land from the **Hatcher Pass Public Use Area**. AOC opposed this legislation because the Mat-Su Borough has failed to allow reasonable access to public lands. AOC opposes giving the Borough more land until they allow public access to the public land they have now. After it became clear that the Borough had failed to gain support of Mat-Su residents in their quest to take lands out of the public use area, Rep. Stoltze withdrew his legislation, effectively killing the land transfer for another year.

Long-time AOC supporter Senator Ralph Seekins introduced SB 170 last year in an effort to combine an **increase in hunting and trapping fees with several changes to Fish and Game statutes (Title 16)**. AOC testified on the bill last summer when the Senate Resources Committee held hearings around the state. Senator Seekins brought the bill up again this year, with support from AOC, but ran out of time. AOC's proposed changes to the fish and game statutes were addressed in the Spring 2006 newsletter. AOC will continue to work with legislators during the next session to secure needed funding from license holders for active game management.

For some time now Senator Seekins has been trying to open up state land in the **Dalton Highway corridor** from the Yukon River north. Current law bans off-road vehicles from operation for 5-miles on either side of the road. Seekins sponsored SB 85, which would repeal the ban and start a planning process within DNR to implement rules for ORV use in the corridor. BLM has also begun preliminary plans for developing a comprehensive off-highway vehicle plan in partnership with the state. The bill passed the Senate but fell short in the House. AOC supported SB 85 just as we support most legislation to allow access to state land as long as regulations are in place to maintain the high quality of the wildlife habitat. We hope Senator Seekins will re-introduce this legislation to allow more Alaskans to enjoy the outdoors.

Over the past couple of years legislators have introduced various versions of a bill that would create a **wildlife viewing fee**. Again this year there were bills in both the House and Senate. Senator Con Bunde sponsored SB 166, which would require that anyone between 16 and 60 pay a \$5 fee to view Alaska's wildlife. The fee would be waived for anyone who already holds a hunting, trapping or fishing license. SB 166 died in the Senate Resources Committee. Look for some version of this idea to surface again next year.

Rep. Paul Seaton, of Homer, introduced HB 415, which would have held **landowners immune from liability** if they allowed access to their lands free of charge. There are cases where public recreational lands are separated by sections of private land. The private land holders don't oppose people crossing their land, but fear the potential for liability. Seaton tried to waive that liability if the land owners warn of any dangerous conditions. The bill passed the House, but never got a vote in the Senate. Chances are that a bill similar to HB 415 will be re-introduced next year.

Two management bills that didn't make it were HB 464 and HB 472. HB 464 was introduced by AOC member and outdoorsman Rep. Eric Croft and would have prohibited a hunter from taking the horns or antlers unless they **salvaged at least 50% of the meat** from the kill. The House Resources Committee held a couple of good hearings on this bill late in the session. Rather than supporting a reduction in the amount of meat currently required by law for salvage, which is essentially *all* the edible meat, AOC used the hearings to again advocate for stronger enforcement of game laws. HB 464 died in the House Judiciary Committee. HB 472 was introduced by our good friend Rep. Bill Stoltze and would have put the **Susitna Drainage Salmon Management Plan**, currently in policy into statute. ADF&G opposed this legislation stating that they oppose putting regulations into statute because policy language is too specific to be appropriate for statutory language. AOC supported this bill because we believe that the present commercial fisheries interest domination of the Alaska Board of Fisheries has been detrimental to the sustainability of some salmon runs in the past. Unfortunately, the bill was referred to the House Special Committee on Fisheries where it met a quick death at the hands of legislators from commercial fishing districts.

AOC actively supported new members to the **Boards of Fisheries (BOF) and Game (BOG)**. Governor Murkowski appointed **Jeremiah Campbell** to the BOF, first to fill the remainder of an unexpired term, and then for a new 3-year term. Mr. Campbell has experience in both commercial and sport fishing, and we were impressed with his knowledge of, and concern for, in-river fisheries. Mr. Campbell's votes on the board regarding salmon returns to the Copper River and upper Susitna drainage showed his concern for sustainable salmon runs. AOC worked with Kenai River Sportfishing Association in supporting Mr. Campbell's confirmation. We are especially appreciative of the efforts of Cook Inlet Sportfishing Caucus member, Bob Penney, during this exercise.

AOC also supported the confirmation of long-time AOC supporter **Bonnie Williams** of Fairbanks to the BOF. Bonnie has served with distinction on the Fairbanks North Star Borough Assembly. Bonnie has been an avid personal use fisher for 55 years in Alaska and has a strong personal dedication to maintaining the integrity of Alaska's wildlife regulatory development process, which considers the opinion and experience of all individuals who use and enjoy fish and game. In her testimony during confirmation hearings before the Legislature, Bonnie affirmed her commitment to ensuring healthy, strong fisheries that sustain and meet the needs of subsistence, sport/personal use, and commercial fishing in Alaska.

AOC appreciated Governor Murkowski's reappointment of **Cliff Judkins** of Wasilla to a second term on the Board of Game. The Governor also added two new BOG members, **Dick Burley** of Fairbanks and **Paul Johnson** of Unalakleet. They were confirmed by the legislature with AOC's full support. Mr. Burley previously served on the Board of Game a few years back and did a very admirable job as chairman, maintaining a balanced and objective approach. His service was very beneficial to AOC's membership and we now look forward to another term for Mr. Burley on the BOG.

Members of the Boards of Fisheries Game have one of the toughest jobs in the state. AOC recognizes the personal commitment every one of these Alaskans makes when they accept an appointment. We thank them all. ■

# Pratt Museum

---



January 22, 2007

Representative Paul Seaton  
State Capitol, Room 102  
Juneau, AK 99802

345 W. Sterling Highway  
Suite 102B  
Homer, AK 99603

Dear Representative Seaton,

The Pratt Museum enthusiastically supports House Bill 25, encouraging recreational use of private lands by protecting landowners who allow free public access to their lands. As a land owner of urban green space in Homer, the Pratt maintains a forest ecology trail with public access. We are also currently working with our neighbors, both public entities and private land owners, to develop trail connectivity in Homer. Legislation such as HB 25 will be particularly important in realizing greater community plans for trails in and around Homer.

The Pratt Museum is dedicated to the process of education by exploring the natural environment and human experience relative to the Kachemak Bay region of Alaska and its place in the world. The Museum seeks to inspire self-reflection and dialogue in its community and visitors through exhibitions, programs, and collections in the arts, sciences and humanities.

HB25 will help us assess our risks in allowing public access to our land as well as our risks in participating in a greater trail system for Homer bordering and impacting our property. As one of the few nonprofit organizations owning a sizeable amount of land in the city center, we are committed to preserving urban green space and providing public access and educational interpretation of that green space. Passage of HB25 would encourage us to continue this effort which allows public free recreational use of our land.

Thank you for all your hard work on HB25. Please let me know if the Pratt can be of further assistance in the process.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather Beggs". The signature is written in a cursive, flowing style.

Heather Beggs  
Museum Director



3779 Bartlett Street, Homer, Alaska 99603-7579  
Email: [info@prattmuseum.org](mailto:info@prattmuseum.org) Web: [www.prattmuseum.org](http://www.prattmuseum.org)

(907) 235-8635  
Fax: 235-2764

February 09, 2007

Representative Paul Seaton  
State Capitol Room 102  
Juneau, Alaska 99801

Representative Seaton,

The Alaska State Chamber of Commerce supports House Bill 25. 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 25 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 25 may have additional benefits by creating opportunities in Alaska's remotest locations. The State Chamber encourages your constructive work with regards to HB 25 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

Headquarters  
217 2nd Street  
Suite 201  
Juneau  
Alaska 99801  
(907) 586-2323  
FAX 463-5515

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



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\* P.O. Box 610, Anchor Point, Alaska 99556 \* Mile 156 Sterling Hwy \* (907) 235-2600 \*

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January 31, 2007

The Honorable Representative Paul Seaton  
House of Representatives  
Alaska State Capitol  
Juneau, Alaska 99801-1182

RE: HB 25

Dear Representative Seaton:

The Anchor Point Chamber of Commerce Board of Directors supports HB 25. This bill provides reasonable liability protection for private property owners who allow recreational use of their property.

Anchor Point is an unincorporated area within the Kenai Peninsula Borough. The Kenai Peninsula Borough does not accept trail easements, which means the only other way a land owner may avoid liability is to grant a trail easement to the State. This is an unreasonable burden for the land owner as well as a financial burden for the State. For land owners within the unincorporated areas of the Kenai Peninsula Borough, the liability protection granted by HB 25 is needed to protect private property owners and to preserve outdoor recreational opportunities.

Without the passage of HB 25, land owners will remain vulnerable to frivolous law suits for allowing simple activities such as neighbors skiing across their land. Protections for land owners are needed to support the recreational activities of hiking, skiing, snow machining, hunting and more. These activities are important to our quality of life and the character of our community.

Through HB 25, the State of Alaska has the opportunity to protect recreational and private property interests at the same time. The Anchor Point Chamber of Commerce supports and encourages the passage of this bill.

Sincerely,

A handwritten signature in black ink that reads "Paul Voeller". The signature is written in a cursive, flowing style.

Paul Voeller  
President

Introduced by: Martin  
Date: 02/06/07  
Action: Adopted as Amended  
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH  
RESOLUTION 2007-010**

**A RESOLUTION SUPPORTING HOUSE BILL 25 AS CURRENTLY WRITTEN  
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 25 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 25 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 25 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; and

**WHEREAS,** in March 2006, the assembly adopted Resolution 2006-027 which supported HB 415, the prior legislature's version of the current HB 25, and the two are substantially the same;

**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 25 as currently written.



**NATIONAL RIFLE ASSOCIATION OF AMERICA**

INCORPORATED 1871

**11250 WAPLES MILL ROAD  
FAIRFAX, VA 22030**

5 May 2006

Brad Kruger  
AK NRA Field Representative  
PO Box 1098  
Homer, AK 99603

Dear Rep Seaton,

I am writing you today in support of HB 415.

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.

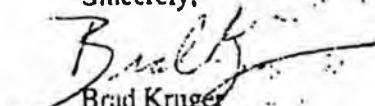
Unfortunately current state law does not directly address recreational use of private lands. Alaska's Recreational Activities statute, AS.09.65.290, passed by the legislature in 2003, mainly addresses commercial operators. Some landowners are protected by Alaska's unimproved land statute, AS.09.65.200, 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 hayfield, 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.

Thank you for listening.

Sincerely,

  
Brad Kruger  
AK NRA Field Rep

**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.

**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**



4014 Lake Street, suite 201  
Homer, Alaska 99603  
907-235-8177 ext. 5  
hswcd@alvz.net

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

Dear Representative Seaton:

During our February 9<sup>th</sup> Board of Supervisors meeting, our 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. Our 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 you having 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 "Shirley Schollenberg". The signature is fluid and cursive.

Shirley Schollenberg  
District Manager

*"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."*

**From:** Sen. Charlie Huggins  
**Sent:** Tuesday, February 27, 2007 12:46 PM  
**To:** Sharon Long  
**Subject:** FW: Support for HB25

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**From:** BradMeiklejohn@aol.com [mailto:BradMeiklejohn@aol.com]  
**Sent:** Tuesday, February 27, 2007 12:13 PM  
**To:** Sen. Charlie Huggins  
**Subject:** Support for HB25

## THE CONSERVATION FUND

BRAD A. MEIKLEJOHN  
ALASKA REPRESENTATIVE  
2727 HILAND ROAD  
EAGLE RIVER, ALASKA 99577  
(907) 694-9060/9070FAX  
Bradmeiklejohn@aol.com  
[www.conservationfund.org](http://www.conservationfund.org)

February 27, 2007

Senator Charlie Huggins, Chair  
Senate Resources Committee  
Alaska State Legislature  
Juneau, Alaska

RE: Support for House Bill 25

Dear Senator Huggins,

I am writing in support of House Bill 25, a bill expanding legal immunity for landowners who allow public use of their lands.

While Alaska has an abundance of public lands, access to these lands is often blocked by landowners who are apprehensive of the potential liabilities of allowing public use of their lands. Many states have adopted legislation that shields private landowners from liability, and such laws have expanded opportunities for public access and recreation.

I ask for your support of House Bill 25.

Sincerely,  
/s/

Brad Meiklejohn  
Alaska Representative

**Ian Laing**

---

**From:** Dave and Molly Brann [brann@alaska.net]  
**Sant:** 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

**Katie Shows**

---

**From:** Valerie Connor [redherring007@hotmail.com]  
**Sent:** Monday, January 22, 2007 9:39 AM  
**To:** Katie Shows  
**Subject:** HB25

Dear Katie,

I wanted to thank you for the work you have put into HB 25. 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 25.

Many thanks,

Valerie Connor

963 Cape Douglas Way Homer, AK 99603

235-6371

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FREE online classifieds from Windows Live Expo  buy and sell with people you know

## Katie Shows

---

From: bill.smith@acsalaska.net  
Sent: Monday, January 22, 2007 11:36 PM  
To: Katie Shows  
Subject: HB 25

Hi Katie,

To Representative Paul Seaton,  
This letter is to express my strong support for HB 25.  
Trail users all over Alaska will benefit from this important protection for continued and improved trail access.

Please inform your fellow lawmakers that this bill will help a broad spectrum of Alaskans.

It would be especially respectful to traditional Alaskan ways if there could be added the ability of immunized landowners to grant the use of trailways to non-motorized transportation purposes as well as recreational users.

Bill Smith  
PO Box 150  
Homer AK 99603  
235-8932

**Katie Shows**

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**From:** Elaine Martin [lovemushing@yahoo.com]  
**Sent:** Tuesday, January 23, 2007 9:52 PM  
**To:** Katie Shows  
**Subject:** protection of property owners trails

Hello there Ms. Shows,

My friend Kelly Griffen forwarded your email regarding the issue of keeping trails open to recreational uses. I wanted to also weigh in on this issue and have you forward my email to any relevant parties regarding my whole hearted support for this house bill that would protect the owners of private property who allow recreational use of trails that cross it.

As a musher who depends on the trails to train my team of dogs I urge lawmakers to pass this bill so that future use will be ensured. Every year new developments encroach apoun this traditional haven of dog sled drivers in the Knick and surrounding areas. If steps are not taken to protect our access to trails a historic and treasured sport for which Wasilla is well known will become obsolete, and Alaska will loose a valued part of it's heritage.

I cannot be there to testify tomorrow, but would appreciate it if you would make my email available to whoever can best help this bill pass. Thank you.

Sincerely, Elaine Martin  
HC 35 Box 5355-M  
Wasilla, AK 99654

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Looking for earth-friendly autos?  
[Browse Top Cars by "Green Rating"](#) at Yahoo! Autos' Green Center.

## Katie Shows

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**From:** Kathy Corp [kcorp@alaska.net]  
**Sent:** Wednesday, January 24, 2007 9:19 AM  
**To:** Katie Shows  
**Subject:** HB 25, with address included

Good morning!

HB 25, limiting the liability of property owners for injuries sustained by recreational vehicle users, is a good thing.

I own close to half the lots in a subdivision which was originally my father's homestead. The land is easily accessible, and pretty good snowmachine riding. It is not at all uncommon to have uninvited snowmachine riders on the property.

As far as I'm concerned, these folks are welcome. They seem to be mostly teenagers, with occasional family groups. It is pleasant to see and hear them out there having good clean fun.

But I have to admit that the liability issue has always been a niggling worry. Thus far, I've always bit my lip a little, and assumed that the type of people engaging in active, outdoor recreation are not the type of people given to suing innocent property owners.

I would very much like to see HB 25 become law.

Thanks ...

Kathy S. Corp  
40935 Ruth Way  
omer, AK. 99603  
(907) 235-2335 (days)  
(907) 235-0605 (home)

## Katie Shows

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From: Rep. Paul Seaton  
Sent: Thursday, January 25, 2007 9:39 AM  
To: Katie Shows  
Subject: FW: HB25

-----Original Message-----

From: seaside [mailto:seaside@alaska.net]  
Sent: Wednesday, January 24, 2007 3:05 PM  
To: Rep. Paul Seaton  
Subject: HB25

Dear Mr. Seaton

I am sorry I was unable to attend the hearing for HB 25 here in Homer today. However, please note that I am 100% in favor of this bill and would like to see everything done to have it pass both the House and the Senate. I am owner of Seaside Farm and as Trustee of the 600 acre Kilcher homestead, and feel it would be in the best interest of any one who has property to not have to be liable for people recreationally crossing or using private land.

Thanks

Mossy Kilcher,

**Ian Laing**

---

**From:** Carol at Northern Enterprises [kshores@ptlalaska.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

## Katie Shows

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From: Mary Jane Shows  
Sent: Monday, February 12, 2007 9:31 AM  
To: katie.shows@legis.state.ak.us  
Subject: FW: New Pom:HB 25 Recreational Land Use Liability/adv. Poss

-----Original Message-----

From: POMS@legis.state.ak.us [mailto:POMS@legis.state.ak.us]  
Sent: Monday, February 12, 2007 9:28 AM  
To: Mary Jane Shows  
Subject: New Pom:HB 25 Recreational Land Use Liability/adv. Poss

Robert Archibald  
Po Box 2460

Homer 99603-2460,

As owners of thirty five acres with many trails used by the public I strongly support HB 25. It's time to help private property owners maintain access to trails without the worry of litigation. Your support is greatly appreciated.