



LAWS OF ALASKA

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Chapter No.

89

AN ACT

Relating to the levy and collection of fees for the use of state park system facilities; relating to contracts for services and facilities in the state park system; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 11

Approved by the Governor: June 17, 1987
Actual Effective Date: June 18, 1987

AN ACT

Relating to the levy and collection of fees for the use of state park system facilities; relating to contracts for services and facilities in the state park system; and providing for an effective date.

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

Sec. 41.21.026. FEES FOR THE USE OF STATE PARK SYSTEM FACILITIES. (a) The department may charge or collect a fee in a park unit for

- (1) rental of public use cabins or other overnight lodgings;
- (2) overnight use of a developed campsite;
- (3) special park use permits;
- (4) competitive and exclusive commercial use permits;
- (5) noncompetitive and nonexclusive commercial use permits;
- (6) use of a sewage holding tank dump station;
- (7) guided tours of historic sites; and
- (8) use of an improved boat ramp in a park facility developed principally for boat launching.

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

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

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

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

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

7 (4) the public interest.

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

10 (1) restrooms;

11 (2) a picnic table;

12 (3) an outdoor cooking facility; and

13 (4) an approved water source.

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

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

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

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

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

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(3) will provide services or facilities that are not feasible or affordable for the state to provide directly;

(4) will not create unacceptable adverse environmental effects;

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

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

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

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

(9) provides that the department retains control over the level of fees and the design and appearance of any facility to be constructed;

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

(11) provides that the contract may be terminated if the contractor fails to fulfill the requirements of this section or the contract.

(c) Before bids or proposals are sought or contract negotiations begun for a concession contract under (b) of this section, the commissioner shall

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

(2) if it is appropriate to proceed further, make a preliminary decision that includes the findings required by (b) of this

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1 section and

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

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

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

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

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

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

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

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

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

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

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

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

(g) With the exception of guided tours and non-competitive commercial use permits, concessions or commercial activities are not permitted within the Alaska Chilkat Bald Eagle Preserve.

Sec. 41.21.028. DEFINITIONS. In AS 41.21.026 - 41.21.028

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

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

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

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

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

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

* Sec. 4. Until regulations are adopted under AS 41.21.026(c), added by sec. 1 of this Act, regulations existing on the effective date of this Act that are otherwise applicable to user fees remain in effect.

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