

1 IN THE HOUSE

BY MR. STRATTON

2 HOUSE BILL NO. 286

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SECOND LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the penalty for putting
7 or throwing rubbish, garbage, or hazardous
8 material on Alaska highways, highway rights
9 of way and public recreation facilities;
10 reorganizing related subjects and making
11 penalties uniform; repealing and re-enacting
12 Sec. 65-5-107 and 65-5-108, ACLA 1949; and
13 repealing Secs. 3, 4, 5, and 6, Art. VII,
14 Title II, Ch. 152, SLA 1957."

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

16 Section 1. Sec. 65-5-107, ACLA 1949 is repealed and re-
17 enacted to read:

18 Sec. 65-5-107. INJURY TO BOUNDARY MONUMENTS, LIGHT POSTS,
19 PROTECTIVE RAILINGS, GAME PRESERVE SIGNS, OR HISTORICAL
20 MONUMENTS. (a) No person may deface, remove, damage or
21 destroy

22 (1) a monument or marked tree designating the
23 boundary of a town, tract or parcel of land:

24 (2) a street light or light post;

25 (3) a railing or post on any public way designed
26 to protect people from injury; or

27 (4) a sign marking the limits of a game preserve;

28 (5) a historical monument or plaque.

29 Sec. 2. Sec. 65-5-108, ACLA 1949 is repealed and re-enacted

1 to read:

2 Sec. 65-5-108. INJURY TO HIGHWAYS, PUBLIC RECREATION
3 FACILITIES OR HIGHWAY SIGNS.

4 (a) "Highway" means all highways (whether included in primary
5 or secondary systems), roads, road rights of way, streets,
6 trails, walks, bridges, tunnels, drainage structures, and
7 other similar or related structures or facilities, and further
8 includes ferries and all such related facilities.

9 (b) No person may move, damage, destroy, or, intending
10 to prevent free use of it by the public, obstruct a highway
11 or a private way laid out by authority of law, without first
12 securing permission from the public authority having juris-
13 diction or control of the highway or private way. No person
14 may, in any case, build or place a barbed wire fence across
15 any well-traveled trail which has been the usual and common
16 route of travel for not less than one year without placing
17 on the outside of the top tier of the barbed wire on the
18 fence a board, pole, or other suitable protection, to be at
19 least 16 feet in length.

20 (c) No person may put or throw any kind of garbage,
21 rubbish, or material potentially hazardous to vehicles or
22 persons on a highway, highway right of way or public recre-
23 ation facility.

24 (d) No person may remove, deface, damage or destroy a
25 distance marker, guidepost, or traffic control signal, sign
26 or marking on or near a highway.

27 (e) A person who wilfully violates Sec. 65-5-107, ACLA
28 1949, as amended, or a subsection of this section is guilty
29 of a misdemeanor and upon conviction is punishable by a fine

1 of not more than \$500 or by imprisonment in jail for not more
2 than one year, or by both.

3 (f) Any court entering a judgment of conviction and
4 imposing a sentence for violation of (c) of this section may
5 suspend the sentence and place the defendant on probation,
6 under the provisions of Sec. 66-16-31, ACLA 1949, as amended.
7 The defendant may be required, as a condition of probation,
8 to pick up garbage and rubbish from the nearest highway,
9 highway right of way, or public recreation facility, for not
10 more than four hours a day on each of two days.

11 Sec. 3. Secs. 3, 4, 5, and 6, Art. VII, Title II, Ch. 152,
12 SLA 1957 are repealed.

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14 Passed by the House February 6, 1962

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17 Speaker of the House

18 ATTEST:

19
20 Chief Clerk of the House

21 Passed by the Senate _____, 1962

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23
24 President of the Senate

25 ATTEST:

26
27 Secretary of the Senate

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29 HB #286, As Amended