

Introduced: 1/24/74  
Referred: Judiciary

BY J. MILLER, HARTIG, MEEKINS  
AND MALONE

1 IN THE HOUSE

2 HOUSE BILL NO. 463

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to an off-road vehicles use plan."

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

8 \* Section 1. PURPOSE. The purpose of this Act is to control the use of  
9 off-road vehicles on state land to protect the natural resources of the  
10 state, promote the safety and welfare of all users of that land, and to  
11 minimize the conflicts among the various recognized and appropriate uses of  
12 that land.

13 \* Sec. 2. AS 38.05 is amended by adding new sections to read:

14 Sec. 38.05.296. DEVELOPMENT OF OFF-ROAD VEHICLES USE PLAN. The  
15 commissioner of natural resources, in consultation with the commissioner  
16 of fish and game and the commissioner of environmental conservation,  
17 shall develop an off-road vehicle use plan for state land. In develop-  
18 ing the overall plan, consideration shall be given to factors such as  
19 noise, safety, quality of the various recreational experiences provided  
20 in a particular area, potential environmental effects on soil, water-  
21 sheds, vegetation, fish and wildlife, wildlife habitat, aesthetics, and  
22 existing or proposed recreational uses of the same or neighboring land.

23 Sec. 38.05.297. USE OF OFF-ROAD VEHICLES. (a) The commissioner  
24 of natural resources shall designate, within one year from the effective  
25 date of this Act, specific areas and trails for off-road vehicle use.  
26 Except as provided in this section or expressly by city or borough  
27 ordinance in home rule or general law municipalities, the use of off-  
28 road vehicles on state land is prohibited.

29 (b) In addition to designating specific areas and trails for

1 off-road vehicle use, the commissioner of natural resources may, by  
2 regulation or emergency order,

3 (1) specify certain hours within a specific area in which  
4 the operation of off-road vehicles is permitted or restricted;

5 (2) restrict areas to certain types of off-road vehicles  
6 only;

7 (3) in conjunction with the Department of Public Safety,  
8 prescribe operating rules for off-road vehicles; or

9 (4) grant exemptions for off-road vehicle use in the case of  
10 organized competitive events.

11 (c) The commissioner of natural resources may issue a special  
12 permit to a person, upon appropriate application, for use on land under  
13 state mineral lease or for other limited and specific nonrecreational  
14 uses. Permits shall (1) be issued only for a specific area, (2) specify  
15 conditions of use, and (3) be issued for a definite length of time.  
16 Permits are revocable upon a violation of a regulation promulgated under  
17 this chapter or when, in the determination of the commissioner of  
18 natural resources, the vehicle is adversely affecting the area in which  
19 it is being used.

20 (d) Areas and trails where off-road vehicle use is permitted,  
21 restricted, or prohibited shall be uniformly marked with appropriate  
22 signs.

23 (e) In secs. 296 - 298 of this chapter, "off-road vehicle" means  
24 a motorized vehicle designed for or capable of travel on or immediately  
25 over water, sand, muskeg, tundra, snow, marsh, or other terrain, but it  
26 excludes

27 (1) a military, fire, or law enforcement vehicle when used  
28 for official purposes;

29 (2) a vehicle used for emergency purposes, when authorized by

1 an appropriate public official; or

2 (3) a vehicle whose use is expressly authorized by the commis-  
3 sioner of natural resources or his designee.

4 Sec. 38.05.298. REGULATIONS. (a) The commissioner of natural  
5 resources, with the advise of the commissioner of fish and game and the  
6 commissioner of environmental conservation, shall promulgate regulations  
7 to implement secs. 296 - 298 of this chapter.

8 (b) The commissioner of natural resources shall, where possible,  
9 coordinate the restriction or opening of state land to off-road vehicle  
10 use with similar regulations undertaken by other public and federal  
11 agencies and by home rule or general law municipalities.