

1 IN THE SENATE

BY THE RULES COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 521 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to state road and highway develop-
7 ment and maintenance; and providing for an effective
8 date."

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

10 * Section 1. AS 19.30.020 is amended to read:

11 Sec. 19.30.020. PURPOSE. The purpose of secs. 20 - 51 of this
12 chapter is to facilitate the commercial development of mineral re-
13 sources, except oil and gas, by authorizing funds to participate in
14 construction of developmental access roads into areas where mining
15 prospects [OF VALID COMMERCIAL PROMISE] are inaccessible to truck
16 haulage. These access roads are to be constructed as rudimentary truck
17 roads and to standards which can be readily improved for general public
18 use. It is the intent of the state to participate with mineral resource
19 developers up to 50 per cent for the cost of construction [AND MAINTENANCE]
20 of developmental access roads under secs. 20 - 51 of this chap-
21 ter. This chapter is not intended to grant the power of eminent domain
22 for private ways of necessity other than that granted in art. VIII, sec.
23 18 of the state constitution.

24 * Sec. 2. AS 19.30.030(c) is amended to read:

25 (c) The commissioner of natural resources shall review the appli-
26 cation and, if found feasible and participating funds are available, may
27 enter into a contract in which the state will participate with the
28 applicant in the cost of construction of the road, up to \$100,000
29 [\$50,000] or up to 50 per cent of the cost, whichever is lower; however,

1 the applicant shall pay for all right-of-way acquisition.

2 * Sec. 3. AS 19.30.040 is amended by adding new subsections to read:

3 Sec. 19.30.040. CONSTRUCTION [AND MAINTENANCE].

4 (f) The road, in addition to use by the applicant, will also be
5 open to use by the state, its agents and contractors. The applicant
6 shall indemnify the state and hold it harmless from any claims, demands,
7 loss, liability or expense for injury or death of persons and damage to
8 or loss of property arising out of this restricted use.

9 (g) The state reserves the option to open the road for general use
10 should it be considered in the state's best interest to do so and the
11 use does not interfere materially with the applicant's use. If the
12 option to open the road for general use is exercised, the state shall
13 assume its fair share of maintenance costs and liability for any re-
14 sultant personal injury or property damage.

15 * Sec. 4. AS 19.30.045 is amended to read:

16 Sec. 19.30.045. CANADIAN MINERALS. The state may elect, at the
17 joint discretion of the commissioners of transportation and public faci-
18 lities and natural resources, to authorize participation in a similar
19 manner, to that authorized in secs. 20 - 40 of this chapter, in con-
20 struction and maintenance of developmental access roads to the Alaskan
21 border for the development of mineral resources which are in adjacent
22 Canadian lands if such access roads are the most feasible way of devel-
23 oping those mineral resources, and if it is considered by the commis-
24 sioners to be in the interest of Alaska to construct the roads; however,
25 the state may participate up to \$100,000 [\$50,000], or up to one-third
26 of the cost of construction [AND OF THE MAINTENANCE] of these roads in
27 Alaska, whichever is lower.

28 * Sec. 5. AS 19.10 is amended by adding a new section to read:

29 Sec. 19.10.105. NORTH SLOPE ROAD. (a) The North Slope Road is

1 designated part of the state highway system, effective on the date of
2 transfer to the state under terms of the contract between the Alyeska
3 Pipeline Service Company and the state.

4 (b) The department may not give preferential access to the North
5 Slope Road to any group of users. Whenever the highway is open, it
6 shall be open to the general public in the same manner as any other
7 state highway.

8 (c) In the event of conflict between this section and other por-
9 tions of this title, the provisions of this section shall govern.

10 (d) The appropriate departments shall immediately conduct an
11 impact study to determine the need for public protection of fish and
12 game resources and the security of the trans-Alaska oil pipeline.

13 * Sec. 6. AS 38.05.035(a) is amended by adding a new paragraph to read:

14 (15) classify and make available for disposition under state
15 law land of the state along the North Slope Road which may, in the
16 director's judgment, be necessary to serve the traveling public; pending
17 classification, the director shall issue temporary-use permits for no
18 more than a 10-year period, with subsequent renewals for 10-year terms,
19 to applicants who agree to provide necessary services for the traveling
20 public; the director, with the approval of the commissioner, shall
21 determine the land to be made available under this paragraph and the
22 limitations, conditions, and terms of the permit; the permits shall be
23 offered at public auction to the highest bidder; after classification, a
24 permit holder has the rights granted under the permit and the right to
25 meet the highest bid offered at the first disposal of the land subject
26 to the permit after the expiration of the permit.

27 * Sec. 7. AS 44.33.020 is amended by adding a new paragraph to read:

28 (22) assist persons wishing to provide services to travelers
29 on the North Slope Road in obtaining the use of existing facilities and

1 the creation of new facilities.

2 * Sec. 8. AS 16.05.920 is amended by adding a new subsection to read:

3 (c) No person may operate a mechanical vehicle outside the right-
4 of-way of the North Slope Road north of the Yukon River Bridge except as
5 provided under state and federal law. No person may hunt within five
6 miles of the right-of-way of the North Slope Road north of the Yukon
7 River Bridge. Sport fishing from the right-of-way of the North Slope
8 Road north of the Yukon River Bridge may be permitted under regulation
9 of the Board of Fisheries.

10 * Sec. 9. AS 19.25 is amended by adding a new section to read:

11 ARTICLE 5. MAINTENANCE OF NORTH SLOPE ROAD.

12 Sec. 19.25.270. MAINTENANCE OF NORTH SLOPE ROAD. (a) It shall be
13 the general policy of the department to maintain the North Slope Road
14 under bid contract.

15 (b) The procedures of the department established under AS 19.10.-
16 170 - 19.10.250 shall be utilized in any maintenance of the North Slope
17 Road.

18 (c) If no satisfactory bid is received, the department is respon-
19 sible for maintenance.

20 * Sec. 10. AS 19.30.040(e) is repealed.

21 * Sec. 11. This Act takes effect immediately in accordance with AS 01.-
22 10.070(c).