

Introduced: 1/15/81
Referred: Resources and
Judiciary

1 IN THE SENATE

BY BENNETT, PARR AND FAHRENKAMP

2 SENATE BILL NO. 83 am

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act restricting the authority of the Department of
7 Natural Resources to regulate certain activities in
8 state recreation areas; and providing for an effective
9 date."

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

11 * Section 1. AS 41.20.020(6) is amended to read:

12 (6) adopt [ESTABLISH], in accordance with the Administrative
13 Procedure Act [,] (AS 44.62), [RULES AND] regulations governing the use
14 and designating incompatible uses within the boundaries of state parks
15 [PARK AND RECREATIONAL AREAS] to protect the property and to preserve
16 the peace;

17 * Sec. 2. AS 41.20.020 is amended by adding a new paragraph to read:

18 (12) adopt, in accordance with the Administrative Procedure
19 Act (AS 44.62), regulations for the use of state recreation areas which
20 also designate incompatible uses within the boundaries of state recrea-
21 tion areas except that regulations may not be adopted which prohibit or
22 unreasonably restrict

23 (A) work on valid mineral leases or mining claims;

24 (B) the legal taking of fur-bearing animals;

25 (C) the traditional use of roads and trails in existence
26 before the effective date of the Act establishing the recreation
27 area; or

28 (D) the cutting of dead and down or burnt timber.

29 * Sec. 3. AS 41.20.047 is amended by adding a new paragraph to read:

1 (5) "traditional use" means the regular use by any means of
2 transportation, including a vehicle propelled by machinery, if the use
3 occurred regularly in the area of a state recreation area before the
4 effective date of the Act establishing the state recreation area.

5 * Sec. 4. AS 41.20.150 is amended to read:

6 Sec. 41.20.150. INCOMPATIBLE USE PROHIBITED. The commissioner of
7 natural resources shall designate by regulation incompatible uses within
8 the boundaries of the Captain Cook State Recreation Area in accordance
9 with AS 41.20.020(12) and 41.20.130, and those incompatible uses desig-
10 nated shall be prohibited or restricted, as provided by regulation.

11 * Sec. 5. AS 41.20.340 is amended to read:

12 Sec. 41.20.340. INCOMPATIBLE USE PROHIBITED. The commissioner of
13 natural resources shall designate by regulation incompatible uses within
14 the boundaries of the Caines Head State Recreation Area in accordance
15 with AS 41.20.020(12) and 41.20.335, and those incompatible uses desig-
16 nated are prohibited or restricted, as provided by regulation.

17 * Sec. 6. AS 41.20.495 is amended to read:

18 Sec. 41.20.495. INCOMPATIBLE USES PROHIBITED. The commissioner of
19 natural resources shall designate by regulation incompatible uses within
20 the boundaries of the Nancy Lake State Recreation Area in accordance
21 with the requirements of AS 41.20.020(12) and 41.20.491, and those
22 incompatible uses designated shall be prohibited or restricted, as
23 provided by regulation.

24 * Sec. 7. AS 41.20.505 is amended to read:

25 Sec. 41.20.505. INCOMPATIBLE USES PROHIBITED. The commissioner of
26 natural resources shall designate by regulation incompatible uses within
27 the boundaries of the Chena River Recreation Area in accordance with the
28 requirements of AS 41.20.020(12) and 41.20.497, and those incompatible
29 uses designated shall be prohibited or restricted, as provided by regu-

lation.

* Sec. 8. This Act takes effect immediately in accordance with AS 01.10.-
070(c).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29