

Introduced: 2/3/81
Referred: Transportation and
Finance

1 IN THE SENATE

BY BENNETT, FAHRENKAMP AND PARR

2

SENATE BILL NO. 135

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TWELFTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the operation and use of the
7 highway between the Yukon River and the Arctic Ocean,
8 and the use of the land adjacent to that highway; and
9 providing for an effective date."

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

11 * Section 1. SCSHB 207 am S (H. failed eff. date), Eleventh Legislature,
12 Second Session, was returned unsigned to the legislature by the governor on
13 the advice of the attorney general. The governor advised that the bill
14 could not become law because the same version of the bill had not been
15 passed by both houses of the legislature. In enacting secs. 2 - 7 of this
16 Act it is the intent of the Alaska Legislature to address the subject of the
17 use and operation of the highway from the Yukon River to the Arctic Ocean
18 and the use of the land adjacent to that highway in a manner which resolves
19 any problems which may have been associated with the passage of SCSHB 207
20 am S (H. failed eff. date).

21 * Sec. 2. AS 16.05.789 is repealed and reenacted to read:

22 Sec. 16.05.789. PROHIBITION ON HUNTING ADJACENT TO HIGHWAY BETWEEN
23 YUKON RIVER AND ARCTIC OCEAN. (a) Hunting with firearms is prohibited
24 north of the Yukon River in the area within five miles on either side
25 of the highway between the Yukon River and the Arctic Ocean.

26 (b) A person who violates this section is guilty of a class A
27 misdemeanor.

28 * Sec. 3. AS 19.40.100 is repealed and reenacted to read:

29 Sec. 19.40.100. USE OF THE HIGHWAY BY INDUSTRIAL OR COMMERCIAL

1 TRAFFIC. (a) The department shall maintain the highway and keep it
2 open to industrial or commercial traffic throughout the year.

3 (b) "Industrial or commercial traffic" means

4 (1) travel necessary and related to resource exploration and
5 development or to support of those activities, if the individual engaged
6 in those activities has all necessary permits; or

7 (2) travel necessary and related to access by local resi-
8 dents to their property; or

9 (3) motor carriers engaged in commerce which are common
10 carriers or contract carriers regulated by the Alaska Transportation
11 Commission under AS 42.10.

12 * Sec. 4. AS 19.40.110 is repealed and reenacted to read:

13 Sec. 19.40.110. PUBLIC USE OF A PORTION OF THE HIGHWAY. The
14 department shall maintain the section of the highway between the Yukon
15 River and Dietrich Camp and shall keep that section of the highway open
16 to use by the public between June 1 and September 1 each year.

17 * Sec. 5. AS 19.40.120 is repealed and reenacted to read:

18 Sec. 19.40.120. CLOSURE OF THE HIGHWAY TO TRAFFIC. The provisions
19 of AS 19.10.100 apply to the closure of the highway by the department.

20 * Sec. 6. AS 19.40.200 is repealed and reenacted to read:

21 Sec. 19.40.200. PROHIBITIONS ON DISPOSAL OF LAND WITHIN FIVE
22 MILES OF THE HIGHWAY. The state may not dispose of state land under
23 AS 38 which is within five miles of the right-of-way of the highway.

24 * Sec. 7. AS 19.40.210 is repealed and reenacted to read:

25 Sec. 19.40.210. PROHIBITION OF OFF-ROAD VEHICLES. Off-road
26 vehicles are prohibited on land within five miles of the right-of-way
27 of the highway. This prohibition does not apply to a person who holds
28 a mining claim in the vicinity of the highway and who must use land
29 within five miles of the right-of-way of the highway to gain access to

1 his mining claim.

2 * Sec. 8. AS 16.05.789(a) is amended to read:

3 (a) Hunting with a firearm [FIREARMS] is prohibited north of the
4 Yukon River in the area within one mile [FIVE MILES] on either side of
5 the highway between the Yukon River and the Arctic Ocean.

6 * Sec. 9. AS 19.40.210 is amended to read:

7 Sec. 19.40.210. PROHIBITION OF OFF-ROAD VEHICLES. Off-road
8 vehicles are prohibited on land within one mile [FIVE MILES] of the
9 right-of-way of the highway. This prohibition does not apply to a
10 person who holds a mining claim in the vicinity of the highway and who
11 must use land within one mile [FIVE MILES] of the right-of-way of the
12 highway to gain access to his mining claim.

13 * Sec. 10. AS 19.40.200 is repealed.

14 * Sec. 11. Sections 2 - 7 of this Act are retroactive to October 5,
15 1980.

16 * Sec. 12. This Act takes effect immediately in accordance with AS 01.-
17 10.070(c).

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