

Original sponsors: Hoffman and Wallis

1 IN THE HOUSE BY THE RESOURCES COMMITTEE
2 SENATE CS FOR CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 198 (Resources)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - SECOND SESSION
5 A BILL

6 For an Act entitled: "An Act relating to the permissive and nonpermissive
7 use of land."

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

9 * Section 1. AS 09.45.730 is amended by adding a new subsection to
10 read:

11 (b) A person who trespasses upon the land of another to gather
12 geotechnical data or take mineral resources is liable to the owner of
13 the land for treble the amount of damages that may be assessed in a
14 civil action. If the trespass is unintentional or involuntary or the
15 defendant had probable cause to believe that the land on which the
16 trespass was committed was the defendant's own or that of the person
17 in whose service or by whose direction the act was done, only actual
18 damages may be recovered.

19 * Sec. 2. AS 09.45.795 is amended to read:

20 Sec. 09.45.795. CIVIL LIABILITY FOR PERSONAL INJURIES OR DEATH
21 OCCURRING ON UNIMPROVED LAND. An owner of unimproved land is not
22 liable in tort, except for an act or omission that constitutes gross
23 negligence or reckless or intentional misconduct, for damages for the
24 injury to or death of a person who enters onto or remains on the
25 unimproved portion of land if

26 (1) the injury or death resulted from a natural condition
27 of the unimproved portion of the land or the person entered onto the
28 land for recreation [PROPERTY]; and

29 (2) the person had no responsibility to compensate the

1 owner for the person's use or occupancy of the land [PROPERTY].

2 * Sec. 3. AS 09.45.795 is amended by adding new subsections to read:

3 (b) This section does not enhance or diminish rights granted
4 under former 43 U.S.C. 932 (R.S. 2477).

5 (c) In this section, "unimproved land" includes land that con-
6 tains

7 (1) a trail;

8 (2) an abandoned aircraft landing area; or

9 (3) a road built to provide access for natural resource
10 extraction, but which is no longer maintained or used.

11 * Sec. 4. AS 11.46.350 is amended by adding a new subsection to read:

12 (c) A notice against trespass is given if the notice

13 (1) is printed legibly in English;

14 (2) is at least 144 square inches in size;

15 (3) contains the name and address of the person under whose
16 authority the property is posted and the name and the address of the
17 person who is authorized to grant permission to enter the property;

18 (4) is placed at each roadway and at each way of access
19 onto the property that is known to the landowner;

20 (5) in the case of an island, is placed along the perimeter
21 at each cardinal point of the island; and

22 (6) states any specific prohibition that the posting is
23 directed against, such as "no trespassing," "no hunting," "no fish-
24 ing," "no digging," or similar prohibitions.