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135

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 9, 1982

SUBJECT: Haul Road
(CSSB 135 (Transportation))

TO: Senator Bill Ray, Chairman
Senate Transportation Committee

FROM: Thomas A. Sofo *TAS*
Legislative Counsel

The attached memos are, of course, a much more concise explanation of CSSB 135. We were only prepared to discuss SB 135 since the staff had represented that the original bill was all that was to be taken up. If you will allow me to, I would like to copy Senator Bennett with these memoranda.

TAB:ljb

Enclosures

STATE OF ALASKA
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POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 16, 1981

SUBJECT: Haul Road
(CSSB 135)

TO: Senator Bill Ray, Chairman
Senate Transportation Committee

FROM: Thomas A. Sofo, ^{TS}
Legislative Counsel

Since the attached draft of CSSB 135 (Transportation) may be confusing to others who have not dealt with the bill, I am offering this memo to assist you in explaining the impact of the legislation in its present form.

Sec. 1 of the bill is merely a historical note. It does not include the statement that SCSHB 207 am S (H. failed eff. date), Eleventh Legislature, Second Session, in fact became Chapter 177, SLA 1980.

Sec. 2 of the bill is a repeal and reenactment of AS 19.-40.100. The only change in the text of AS 19.40.100 compared to the present is the substitution of the word "traffic" for "travel" on line 25 of page 1.

Secs. 3 - 5 are merely repealing and reenacting verbatim the present law.

Secs. 6 - 7 make substantive changes in the present law, as indicated in the draft. Sec. 7 does not include AS 16.05.-789(b) since the provision contained in subsection (b) concerning misdemeanor penalties for violations of that statute was not amended in the request which we received. It would be inappropriate to include text to AS 16.05.789(b) in Sec. 7, since Sec. 7 is prefaced by the phrase "is amended to read:" and subsection (b) is not the subject of any amendment.

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Sec. 8 of the bill is self-explanatory.

Sec. 9 of the bill is merely a vestige of our attempt to take into account the uncertain status of the bill from last session at the time this bill was originally drafted.

Sec. 10 of the bill is self-explanatory.

If I can be of any further assistance to you on this matter, please do not hesitate to contact me.

TAS:ljb

Enclosure

- FILE WITH BILL -

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 13, 1981

SUBJECT: Operation and use of haul road
(CSSB 135)

TO: Senator Bill Ray, Chairman
Senate Transportation Committee

FROM: Thomas A. Sofo *AS*
Legislative Counsel

This office recently received a request for a committee substitute for SB 135 concerning the operation and use of the haul road. SB 135 was originally drafted at the time litigation was pending concerning SCSHB 207 am S (H. failed eff. date). Sec. 1 of SB 135 reflects the decision by this office as to the treatment to be accorded the bill from last session. Although certain changes were requested in the substantive law that was the subject of the earlier bill, it was felt that the appropriate mechanism to achieve the desired result involved enacting the substance of the bill from the last session (as was done in Secs. 2 - 7 of SB 135) and then making any amendments which were desired by the present legislature (Secs. 8 - 10). Sec. 11 of SB 135 keyed the effective date of the new act to be retroactive to the point in time at which the former bill (SCSHB 297 am S) was to be effective.

Since the original assignment to draft the bill for this session, the litigation on the haul road bill from last year has been concluded. Without going into all the details, the result is that Secs. 2 - 7 of SB 135 have in fact become law as Chapter 177, SLA 1980. The subject area should be reviewed with this in mind. If you still desire to delete what is now Sec. 7 of SB 135, it would involve the repeal of AS 19.-40.210. This had appeared as AS 19.40.200(b) in the former bill, but was renumbered as a separate section by the revisor when it was incorporated into our statutes last year. SB 135 should be reviewed so that this office can receive an instruction as to what further changes need to be made in

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light of the enactment of Chapter 177, SLA 1980. My assumption from reading notes which accompanied the present request for the committee substitute is that the committee desires to amend AS 19.40.210 as it presently appears in Sec. 9 of SB 135. Additionally, I assume the committee is interested in making the amendments contained in Sec. 8 of the bill (AS 16.05.789(a)), since that contains new subject matter not previously included in the bill from last session. I also understand that it is your desire to add a further subsection to AS 16.05.789 making a violation of that statute a misdemeanor.

Please contact me if any of the above assumptions are incorrect or if further explanation is necessary to explain the present status of this legislation.

TAS:ljb

Enclosure



LAWS OF ALASKA

1980

Source

Chapter No.

SCSHB 207 am S (H. failed eff. date)

177

AN ACT

Relating to state responsibility for the highway between the Yukon River and the Arctic Ocean, and to state management and control of resources affected by the highway between the Yukon River and the Arctic Ocean.

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

THE ACT FOLLOWS ON PAGE 1, LINE 12

Note: Returned by Governor to House with message asserting bill was not properly adopted.
Actual Effective Date: October 5, 1980

AN ACT

Relating to state responsibility for the highway between the Yukon River and the Arctic Ocean, and to state management and control of resources affected by the highway between the Yukon River and the Arctic Ocean.

* Section 1. The purpose of sec. 2 of this Act is to protect wildlife which, as a result of wildlife migrations, congregates in large numbers near the highway between the Yukon River and the Arctic Ocean.

* Sec. 2. AS 16.05 is amended by adding a new section to read:

Sec. 16.05.785. PROHIBITION ON HUNTING ADJACENT TO HIGHWAY BETWEEN YUKON RIVER AND ARCTIC OCEAN. (a) Hunting with firearms is prohibited north of the Yukon River in the area within five miles on either side of the highway between the Yukon River and the Arctic Ocean.

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

* Sec. 3. AS 19.40 is amended by adding new sections to read:

ARTICLE 2. USE OF THE HIGHWAY.

Sec. 19.40.100. USE OF THE HIGHWAY BY INDUSTRIAL OR COMMERCIAL TRAFFIC. (a) The department shall maintain the highway and keep it open to industrial or commercial traffic throughout the year.

(b) "Industrial or commercial travel" means

(1) travel necessary and related to resource exploration and development or to support of those activities, if the individual

1 engaged in those activities has all necessary permits; or

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

4 (3) motor carriers engaged in commerce which are common
5 carriers or contract carriers regulated by the Alaska Transportation
6 Commission under AS 42.10.

7 Sec. 19.40.110. CLOSURE OF THE HIGHWAY TO TRAFFIC. The provisions
8 of AS 19.10.100 apply to the closure of the highway by the department.

9 * Sec. 4. AS 19.40 is amended by adding a new section to read:

10 Sec. 19.40.120. PUBLIC USE OF A PORTION OF THE HIGHWAY. The
11 department shall maintain the section of the highway between the Yukon
12 River and Dietrich Camp and shall keep that section of the highway open
13 to use by the public between June 1 and September 1 each year.

14 * Sec. 5. AS 19.40 is amended by adding a new section to read:

15 ARTICLE 3. LANDS ADJACENT TO THE HIGHWAY.

16 Sec. 19.40.200. PROHIBITIONS ON DISPOSAL AND USE OF LAND WITHIN
17 FIVE MILES OF THE HIGHWAY. (a) The state may not dispose of state land
18 under AS 38 which is within five miles of the right-of-way of the high-
19 way.

20 (b) Off-road vehicles are prohibited on land within five miles of
21 the right-of-way of the highway. However, this prohibition does not
22 apply to a person who holds a mining claim in the vicinity of the high-
23 way and who must use land within five miles of the right-of-way of the
24 highway to gain access to his mining claim.

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FILE

RE: SB135 and SB204 (for meeting 4/9/81)

TANANA CHIEFS CONFERENCE, INC.
NORTH SLOPE HAUL ROAD
RESOLUTION NO. 31-4

WHEREAS: Opening the North Slope Haul Road to unrestricted traffic has been of long-standing, vital concern to communities affected by its use; and

WHEREAS: these concerns:

- Protection of the culture of the Native people who live within the region,

- Protection of the land, water and wildlife resources of the region, and

WHEREAS: proposals are already being made for spur roads of the haul road, and

WHEREAS: State law now allows the road to be open partially to the public,


NOW THEREFORE BE IT RESOLVED that the TCC Board of Directors recommend that the North Slope Haul Road have limited public use only not beyond the bounds of current legislation, and

FURTHER BE IT RESOLVED that bans on hunting, off-road vehicle use, and disposing of state land all within 5 miles either side of the haul road be enforced with the most rigorous standards, and

FURTHER BE IT RESOLVED that potential impacts of all spur roads off the haul road be thoroughly studied, documented, and if adverse, be mitigated before construction.

CERTIFICATION

I hereby certify that this resolution was duly passed by the Tanana Chiefs Conference, Inc., Board of Directors on March 19, 1981, at Fairbanks, Alaska.


Corporate Secretary
Tanana Chiefs Conference, Inc.
Mitch Demestieff

Mail Reply to: Lisa Jaeger
Tanana Chiefs Conference, Inc.
201 First Ave.
Fairbanks, Alaska 99701 phone 452-8251

Fairbanks Subregion

RESOLUTIONS1
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THE PRECEDING DOCUMENT(S) MAY NOT FILM
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