

SENATE BILL NO. 68

IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY SENATOR GIESSEL

Introduced: 2/10/23
Referred: Resources

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to public notice for a sale, appropriation, or removal of water, or for**
2 **filing a declaration of a right of water; and providing for an effective date."**

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

4 *** Section 1.** AS 46.15.065(b) is amended to read:

5 (b) The commissioner shall, as soon as practicable, determine the rights of
6 persons owning existing appropriations. To accomplish this, the commissioner shall

7 (1) by order set a definite period for filing a declaration of
8 appropriation within a specified area or from a specified source;

9 (2) publish notice of the order **on the Alaska Online Public Notice**
10 **System (AS 44.62.175)** [ONCE A WEEK FOR] three weeks before the beginning of
11 the period [IN A NEWSPAPER OF GENERAL CIRCULATION IN THE
12 AFFECTED AREA];

13 (3) give notice of the order by certified mail to any appropriator within
14 the specified area or from the specified source who has requested mailed notice or of

1 whom the commissioner can readily obtain knowledge, including each owner of a
2 recorded mining claim.

3 * **Sec. 2.** AS 46.15.133(b) is amended to read:

4 (b) The commissioner shall publish the notice **on the Alaska Online Public**
5 **Notice System (AS 44.62.175)** [IN ONE ISSUE OF A NEWSPAPER OF GENERAL
6 DISTRIBUTION IN THE AREA OF THE STATE IN WHICH THE WATER IS TO
7 BE APPROPRIATED, REMOVED, OR SOLD]. The commissioner shall also have
8 notice served personally or by certified mail **on** [UPON] an appropriator of water or
9 applicant for or holder of a permit who, according to the records of the division of
10 lands, may be affected by the proposed sale, appropriation, or removal and may serve
11 notice **on** [UPON] any governmental agency, political subdivision, or person; notice
12 shall also be served **on** [UPON] the Department of Fish and Game and the Department
13 of Environmental Conservation. An applicant for an appropriation or removal shall
14 pay the commissioner's costs in providing publication and notice under this
15 subsection. The commissioner may require as a condition of a sale of water under
16 AS 46.15.037 [,] that a purchaser of water reimburse the department for the costs
17 associated with providing notice of the proposed sale.

18 * **Sec. 3.** This Act takes effect immediately under AS 01.10.070(c).