

CS FOR SENATE BILL NO. 132(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE SENATE RESOURCES COMMITTEE

Offered: 4/16/99
Referred: Finance

Sponsor(s): SENATE FINANCE COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the powers and duties of the Department of Natural
2 Resources, transferring some of the functions of the Department of Environmental
3 Conservation to the Department of Natural Resources, and modifying the
4 Department of Natural Resources' power to control and manage land within the
5 Hatcher Pass Public Use Area and authorizing municipal selection of that land;
6 and providing for an effective date."

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

8 * Section 1. AS 03.05.011 is amended to read:

9 **Sec. 03.05.011. Powers and duties of commissioner of natural resources**
10 **[ENVIRONMENTAL CONSERVATION].** (a) To carry out the requirements of
11 this title, the commissioner of **natural resources** [ENVIRONMENTAL
12 CONSERVATION] may issue orders, regulations, permits, quarantines, and embargoes
13 relating to

1 (1) examination and inspection of premises containing products,
2 articles, and commodities carrying pests;

3 (2) establishment of quarantines for eradication of pests and diseases
4 in livestock;

5 (3) tests and analyses that may be made and hearings that may be held
6 to determine whether the commissioner will issue a stop order or quarantine;

7 (4) cooperation with federal and other state agencies;

8 (5) regulation of fur farming; for purposes of this paragraph, "fur
9 farming" means the raising of and caring for animals for the purpose of marketing
10 their fur, or the animals themselves for breeding stock.

11 (b) The commissioner [OF ENVIRONMENTAL CONSERVATION] shall
12 regulate the farming of elk in a manner similar to the manner in which the
13 commissioner regulates domestic animals and livestock, to the extent that is
14 appropriate.

15 * **Sec. 2.** AS 03.45.050 is amended to read:

16 **Sec. 03.45.050. Inspection, quarantine, or destruction of livestock.**

17 Domestic animals and poultry in the state are subject to inspection and test for all
18 diseases [,] and to quarantine, slaughter, or destruction when found to be infected with
19 or suffering from any contagious disease by an inspector of the Animal Disease
20 Eradication Branch, United States Department of Agriculture, or by a qualified
21 inspector authorized by the commissioner [OF ENVIRONMENTAL
22 CONSERVATION] to make inspections and tests of animals. Inspections and tests
23 of animals kept for dairy purposes by dairies that offer their products to the public in
24 the state [,] and inspection and tests of animals kept for private dairy purposes **if** [,
25 PROVIDED] they are readily accessible [,] shall be made at least once every year, if
26 possible, and all animals not readily accessible for inspection shall be inspected before
27 they are brought into a community where other animals used for dairy purposes are
28 kept. The commissioner may make arrangements with the Animal Disease Eradication
29 Branch, United States Department of Agriculture, for these inspections and tests. In
30 the event that arrangements cannot be made with the Animal Disease Eradication
31 Branch, the commissioner may employ inspectors. Inspections shall be carried on in

1 cooperation with the Animal Disease Eradication Branch and in accordance with its
2 regulations.

3 * **Sec. 3.** AS 03.45.060(c) is amended to read:

4 (c) If the inspector determines that the animal should be slaughtered or
5 destroyed, the inspector may condemn and have the animal slaughtered or destroyed
6 in the manner the inspector determines. Reimbursement may be allowed for the
7 slaughter or destruction of dairy cattle only. In such case, the inspector and the owner
8 shall appraise the dairy cattle at a fair valuation without regard to the disease. Where
9 they cannot agree as to the value of the animal, the owner and inspector may select
10 a disinterested third party to aid in the appraisal. Where they cannot agree on the
11 selection of a third party, a peace officer in the judicial district where the inspection
12 is made may designate a third disinterested party to act with the inspector and owner
13 to determine the value of the animal. The amount realized from the sale of the carcass
14 of the slaughtered animal shall be paid to the owner of the animal, and the inspector
15 shall certify to the commissioner [OF ENVIRONMENTAL CONSERVATION] the
16 name and address of the owner, the date the animal was condemned, the appraised
17 value of the animal, together with the net sum realized from the salvage **of the animal**
18 [THEREOF,] or **that** [WHICH] could have been realized.

19 * **Sec. 4.** AS 03.45.070 is amended to read:

20 **Sec. 03.45.070. Compensation to owners of dairy cattle destroyed; records**
21 **to be kept.** The commissioner [OF ENVIRONMENTAL CONSERVATION] may
22 enter into cooperative agreements with the United States Department of Agriculture for
23 controlling diseases among dairy cattle and may match federal indemnity payments for
24 livestock slaughtered thereunder [,] from any funds available. The commissioner shall
25 keep a record of all payments made, with a copy of the inspector's certification of
26 appraised value and salvage value.

27 * **Sec. 5.** AS 03.45.080 is amended to read:

28 **Sec. 03.45.080. Record and payment of value of destroyed dairy cattle.**
29 The Department of Administration shall keep a record of the appraised value of all
30 dairy cattle slaughtered or destroyed and of the salvage value **of the dairy cattle**
31 [THEREOF], stating the date when the animal was slaughtered or destroyed and the

1 name of the inspector who ordered the animal slaughtered or destroyed. The
 2 Department of Administration, with the approval of the **department** [DEPARTMENT
 3 OF ENVIRONMENTAL CONSERVATION], shall pay the owner of the animal
 4 slaughtered or destroyed two-thirds of the difference between the appraised value and
 5 the salvage value of the animal slaughtered or destroyed. The appraised valuation of
 6 each slaughtered animal may not exceed \$175 in the first judicial district and not more
 7 than \$200 in the second and third judicial districts and not more than \$250 in the
 8 fourth judicial district. Payment may not be made if at the time of inspection, test, or
 9 destruction, the animal was upon the premises of any person to which it had been sold,
 10 shipped, or delivered for the purpose of being slaughtered. Payment may not be made
 11 unless the owner has complied with all lawful quarantine regulations.

12 * **Sec. 6.** AS 03.53.010(b) is amended to read:

13 (b) The following persons are authorized to enforce the provisions of this
 14 section:

15 (1) the commissioner [OF ENVIRONMENTAL CONSERVATION];

16 (2) a state employee authorized by the commissioner [OF
 17 ENVIRONMENTAL CONSERVATION].

18 * **Sec. 7.** AS 16.40.050(d) is amended to read:

19 (d) Elk imported, exported, or possessed for the purpose of elk farming are
 20 subject to the provisions of AS 03 and regulations adopted under AS 03 by the
 21 commissioner of natural resources [OR THE COMMISSIONER OF
 22 ENVIRONMENTAL CONSERVATION] for domestic animals and livestock [,] to the
 23 extent they are made applicable to elk by the **commissioner of natural resources**
 24 [COMMISSIONERS].

25 * **Sec. 8.** AS 17.06.070(1) is amended to read:

26 (1) "department" means the Department of **Natural Resources**
 27 [ENVIRONMENTAL CONSERVATION];

28 * **Sec. 9.** AS 17.20.005 is amended to read:

29 **Sec. 17.20.005. Powers and duties of commissioner of natural resources.**

30 To carry out the requirements of this chapter **that are within the jurisdiction of the**
 31 **Department of Natural Resources**, the commissioner **of natural resources** may issue

1 orders, regulations, permits, quarantines, and embargoes relating to

2 (1) food offered to the public or sold, including

3 (A) inspection of meat, fish, poultry, and other food products;

4 (B) standards of sanitation and handling methods for all phases
5 of slaughtering, processing, storing, transporting, displaying, and selling; and

6 (C) labeling;

7 (2) control and eradication of pests;

8 (3) enforcement of hazard analysis critical control point programs for
9 seafood processing that are developed in cooperation with appropriate industry
10 representatives or, to the extent not inconsistent with this chapter or regulations
11 adopted under the authority of this chapter, that are established by regulations of the
12 United States Food and Drug Administration as they may periodically be revised;

13 (4) labeling and grading of milk and milk products and standards of
14 sanitation for dairies offering to the public or selling milk or milk products to at least
15 the minimum of current recommendations of the United States Public Health Service
16 pasteurized milk ordinance as it may periodically be revised;

17 (5) standards and conditions for the operation and siting of aquatic
18 farms and related hatcheries, including

19 (A) restrictions on the use of chemicals; and

20 (B) requirements to protect the public from contaminated
21 aquatic farm products that pose a risk to health;

22 (6) monitoring aquatic farms and aquatic farm products to ensure
23 compliance with this chapter and, to the extent not inconsistent with this chapter or
24 regulations adopted under the authority of this chapter, with the requirements of the
25 national shellfish sanitation program manual of operations published by the United
26 States Food and Drug Administration as it may periodically be revised;

27 (7) tests and analyses that may be made and hearings that may be held
28 to determine whether the commissioner will issue a stop order or quarantine;

29 (8) transportation of, use of, disposal of, recalls of, or warnings
30 concerning quarantined or embargoed items;

31 (9) cooperation with federal and other state agencies.

1 * **Sec. 10.** AS 17.20.066(c) is amended to read:

2 (c) The commissioner shall authorize the use of an "inspection" seal for
3 display on seafood products processed by a person who, at the time the products are
4 processed, holds a permit to operate issued under AS 17.20.065 and who complies with
5 regulations adopted **by the commissioner** under this chapter.

6 * **Sec. 11.** AS 17.20.066(d) is amended to read:

7 (d) The commissioner, after consultation with the Alaska Seafood Marketing
8 Institute, shall develop product specifications and standards for the use of the
9 "premium quality" seal on Alaska seafood products. The commissioner shall authorize
10 a seafood processor to display a "premium quality" seal on products that qualify for
11 the seal if the processor meets the requirements of regulations adopted **by the**
12 **commissioner** under this chapter and has been issued a permit to operate under
13 AS 17.20.065.

14 * **Sec. 12.** AS 17.20.067 is amended to read:

15 **Sec. 17.20.067. Seafood processing research.** The commissioner may
16 conduct studies, research, experiments, and demonstrations, directly or through grants
17 to or contracts with public or private agencies, organizations, or individuals to

18 (1) improve sanitation practices in the processing of fish and fisheries
19 products; and

20 (2) develop improved techniques for surveillance and inspection
21 activities **of the department** under this chapter.

22 * **Sec. 13.** AS 17.20.075 is amended to read:

23 **Sec. 17.20.075. Definitions.** In AS 17.20.005 - 17.20.075,

24 (1) "commissioner" means the commissioner of **natural resources**
25 [ENVIRONMENTAL CONSERVATION];

26 (2) "department" means the Department of **Natural Resources**
27 [ENVIRONMENTAL CONSERVATION].

28 * **Sec. 14.** AS 17.20.180 is amended to read:

29 **Sec. 17.20.180. Regulations.** The Department of Environmental Conservation,
30 **the Department of Natural Resources**, and the Department of Health and Social
31 Services may adopt regulations for the efficient enforcement of their respective

1 portions of this chapter. Each department may make the regulations conform, in so
2 far as practicable, with those adopted under the federal act.

3 * **Sec. 15.** AS 17.20.200 is amended to read:

4 **Sec. 17.20.200. Inspections and examinations.** (a) The commissioner of
5 natural resources [ENVIRONMENTAL CONSERVATION] or an agent shall have
6 free access at reasonable hours to a factory, warehouse, or establishment in which
7 foods [OR COSMETICS] are manufactured, processed, packed, or held for introduction
8 into commerce, to enter a vehicle being used to transport or hold these foods [OR
9 COSMETICS] in commerce, or to an aquatic farm in order to

10 (1) inspect a factory, warehouse, establishment, vehicle, or aquatic farm
11 to determine if the provisions of the commissioner's respective portions of this chapter
12 are being violated; and

13 (2) secure samples or specimens of a food **or** [,] aquatic farm product
14 [, OR COSMETIC].

15 (b) The commissioner of natural resources [ENVIRONMENTAL
16 CONSERVATION] shall make or have made examinations of samples secured under
17 this section to determine whether or not a provision of the commissioner's respective
18 portions of this chapter is being violated.

19 (c) The commissioner of health and social services has the same powers and
20 duties with respect to drugs and devices as the commissioner of natural resources
21 [ENVIRONMENTAL CONSERVATION] has with respect to food [AND
22 COSMETICS] under (a) and (b) of this section. **The commissioner of environmental
23 conservation has the same powers and duties with respect to cosmetics as the
24 commissioner of natural resources has with respect to food under (a) and (b) of
25 this section.**

26 * **Sec. 16.** AS 17.20.220 is amended to read:

27 **Sec. 17.20.220. Publication of reports and information.** (a) The
28 commissioner of environmental conservation, **the commissioner of natural resources,**
29 and the commissioner of health and social services may have published from time to
30 time reports summarizing judgments, decrees, and court orders which have been
31 rendered under their respective portions of this chapter, including the nature of the

1 charge and the disposition of it.

2 (b) The commissioner of environmental conservation may have disseminated
3 information regarding [FOOD AND] cosmetics **that** [WHICH] the commissioner
4 considers necessary in the interest of public health and the protection of the consumer
5 against fraud. This section does not prohibit the commissioner from collecting,
6 reporting, and illustrating the results of the commissioner's investigations.

7 (c) The commissioner of health and social services has the same power with
8 respect to drugs and devices as the commissioner of environmental conservation has
9 with respect to [FOOD AND] cosmetics under (b) of this section. **The commissioner**
10 **of natural resources has the same power with respect to food as the commissioner**
11 **of environmental conservation has with respect to cosmetics under (b) of this**
12 **section.**

13 * **Sec. 17.** AS 17.20.230 is amended to read:

14 **Sec. 17.20.230. Detention or embargo of goods.** (a) Whenever the
15 commissioner of environmental conservation finds or has probable cause to believe that
16 a [FOOD OR] cosmetic is adulterated [,] or so misbranded as to be dangerous or
17 fraudulent within the meaning of this chapter, the commissioner shall affix to **the**
18 **cosmetic** [IT] a tag or other appropriate marking [,] giving notice that **the cosmetic**
19 [IT] is or is suspected of being adulterated or misbranded and has been detained or
20 embargoed [,] and warning all persons not to remove or dispose of **the cosmetic** [IT]
21 by sale or otherwise until permission for removal or disposal is given by the
22 commissioner or the court. A person may not remove or dispose of a detained or
23 embargoed **cosmetic** [ARTICLE] by sale or otherwise without this permission.

24 (b) The commissioner of health and social services has the same duty with
25 respect to drugs and devices as the commissioner of environmental conservation has
26 with respect to [FOOD AND] cosmetics under (a) of this section. **The commissioner**
27 **of natural resources has the same duty with respect to food as the commissioner**
28 **of environmental conservation has with respect to cosmetics under (a) of this**
29 **section.**

30 * **Sec. 18.** AS 17.20.240 is amended to read:

31 **Sec. 17.20.240. Petition for libel for condemnation.** When an article

1 detained or embargoed under AS 17.20.230 has been found by the commissioner of
 2 environmental conservation, the commissioner of natural resources, or the
 3 commissioner of health and social services, as the case may be, to be adulterated or
 4 misbranded, the appropriate commissioner shall petition the superior court for a libel
 5 for condemnation of the article. When that commissioner finds that a detained or
 6 embargoed article is not adulterated or misbranded, the commissioner shall remove the
 7 tag or other marking.

8 * **Sec. 19.** AS 17.20.250 is amended to read:

9 **Sec. 17.20.250. Destruction of adulterated or misbranded goods.** If the
 10 superior court finds that a detained or embargoed article is adulterated or misbranded,
 11 it shall, after entry of the decree, be destroyed at the expense of the claimant [,] under
 12 the supervision of the commissioner of environmental conservation, the commissioner
 13 of natural resources, or the commissioner of health and social services, as the case
 14 may be. Court costs and fees and storage and other proper expenses shall be taxed
 15 against the claimant of the article.

16 * **Sec. 20.** AS 17.20.260 is amended to read:

17 **Sec. 17.20.260. Exemption from destruction.** When the adulteration or
 18 misbranding can be corrected by proper labeling or processing of the article, and after
 19 entry of the decree and after costs, fees, and expenses have been paid and a good and
 20 sufficient bond, conditioned that the article will be properly labeled or processed has
 21 been executed, the court may order that the article be delivered to the claimant for
 22 labeling or processing under the supervision of the commissioner of environmental
 23 conservation, the commissioner of natural resources, or the commissioner of health
 24 and social services, as the case may be. The claimant shall pay the expense of
 25 supervision. The bond shall be returned to the claimant of the article on representation
 26 to the court by the appropriate commissioner that the article is no longer in violation
 27 of this chapter [,] and that the expenses of supervision have been paid.

28 * **Sec. 21.** AS 17.20.270 is amended to read:

29 **Sec. 17.20.270. Immediate destruction of contaminated food.** Meat,
 30 seafood, poultry, vegetable, fruit, or other perishable article in any room, building,
 31 vehicle of transportation, or other structure that [WHICH] is unsound, or contains

1 filthy, decomposed, or putrid substance, or a substance that may be poisonous or
 2 deleterious to health or otherwise unsafe, is a nuisance. Whenever the commissioner
 3 of environmental conservation **or the commissioner of natural resources** finds such
 4 an article, the commissioner shall immediately condemn or destroy it or in any other
 5 manner render it unsalable as human food.

6 * **Sec. 22.** AS 17.20.280 is amended to read:

7 **Sec. 17.20.280. Injunction proceedings.** The commissioner of environmental
 8 conservation, **the commissioner of natural resources**, and the commissioner of health
 9 and social services may apply to the superior court for, and the court has jurisdiction
 10 to grant, a temporary or permanent injunction restraining a person from violating their
 11 respective portions of this chapter.

12 * **Sec. 23.** AS 17.20.290(b) is amended to read:

13 (b) The commissioner of environmental conservation or a designee of the
 14 commissioner is responsible for enforcing **(a)(1) - (4) and (6) - (10)** [THE
 15 PROVISIONS OF PARAGRAPHS (a)(1), (2), (3), (4), (6), (7), (8), (9), AND (10)] of
 16 this section [,] if the subject of the prohibited act involves [FOOD OR] cosmetics [,
 17 AND THE PROVISIONS OF PARAGRAPH (a)(12) OF THIS SECTION]. This
 18 subsection does not limit the authority of peace officers.

19 * **Sec. 24.** AS 17.20.290 is amended by adding a new subsection to read:

20 (d) The commissioner of natural resources or a designee of the commissioner
 21 is responsible for enforcing (a)(1) - (4) and (6) - (10) of this section if the subject of
 22 the prohibited act involves food and for enforcing (a)(12) of this section. This
 23 subsection does not limit the authority of peace officers.

24 * **Sec. 25.** AS 17.20.345(c) is amended to read:

25 (c) A person who donates to a food bank salmon from a hatchery that operates
 26 under a permit issued under AS 16.10.400 - 16.10.470 is immune from liability as
 27 provided in this section if the salmon is apparently fit for human consumption at the
 28 time of its donation, even if the hatchery does not have a permit issued by the
 29 Department of **Natural Resources** [ENVIRONMENTAL CONSERVATION] under
 30 this chapter or other statute to process fisheries products for human consumption.

31 * **Sec. 26.** AS 17.20.350 is amended to read:

1 **Sec. 17.20.350. Report of minor violations.** Nothing in this chapter requires
 2 [EITHER] the commissioner of environmental conservation, the commissioner of
 3 natural resources, or the commissioner of health and social services, as the case may
 4 be, to report minor violations of their respective portions of this chapter for
 5 prosecution, or for the institution of libel or injunction proceedings, when that
 6 commissioner believes that the public interest will be adequately served by a suitable
 7 written notice or warning.

8 * **Sec. 27.** AS 17.20.360 is amended to read:

9 **Sec. 17.20.360. Attorney general to prosecute; hearing before report of**
 10 **criminal violation.** The attorney general, to whom the commissioner of environmental
 11 conservation, the commissioner of natural resources, or the commissioner of health
 12 and social services, as the case may be, reports a violation of this chapter, shall
 13 institute appropriate proceedings in the superior court without delay and prosecute
 14 them in the manner required by law. Before a violation of this chapter is reported to
 15 the attorney general, the person against whom the proceeding is contemplated shall be
 16 given appropriate notice and an opportunity to respond to the appropriate
 17 commissioner, orally or in writing, in person or by attorney, with regard to the
 18 contemplated proceeding.

19 * **Sec. 28.** AS 41.23.130 is amended to read:

20 **Sec. 41.23.130. Hatcher Pass Public Use Area.** The vacant and
 21 unappropriated state-owned land and water and the state land and water acquired in the
 22 future that lie within the boundaries described in this section are designated as the
 23 Hatcher Pass Public Use Area, are reserved for all uses compatible with their primary
 24 function as public use land, and are assigned to the department for control and
 25 management:

26 Township 19 North, Range 1 East, Seward Meridian

27 Section 1: NW1/4NW1/4, NW1/4NE1/4NW1/4, W1/2SW1/4NW1/4,
 28 NE1/4SW1/4NW1/4

29 Section 2: NE1/4, SE1/4NW1/4, SE1/4NE1/4NW1/4,
 30 SE1/4SW1/4NW1/4, SW1/4 exclusive of S1/2SW1/4SW1/4,
 31 NW1/4SE1/4, SW1/4SE1/4, NW1/4SE1/4SE1/4,

1 W1/2NE1/4SE1/4, NE1/4NE1/4SE1/4

2 [SECTION 10: E1/2E1/2]

3 Section 11: W1/2, NW1/4NE1/4, exclusive of Tract A

4 Section 14: W1/2, exclusive of Tract A

5 [SECTION 15: E1/2E1/2]

6 [SECTION 22: E1/2E1/2]

7 Section 23: W1/2

8 Section 26: W1/2SW1/4, SW1/4NW1/4

9 [SECTION 27: E1/2E1/2]

10 Township 20 North, Range 1 East, Seward Meridian

11 Section 25: S1/2S1/2SE1/4

12 Section 35: SE1/4, SE1/4SE1/4NE1/4

13 Section 36: NE1/4, SW1/4, E1/2NW1/4, SW1/4NW1/4,

14 SE1/4NW1/4NW1/4, NW1/4SE1/4, NW1/4NE1/4SE1/4,

15 NW1/4SW1/4SE1/4

16 Township 20 North, Range 2 East, Seward Meridian

17 Section 9: E1/2SE1/4, E1/2SW1/4SE1/4, SE1/4SE1/4NE1/4

18 Section 10: W1/2SW1/4, E1/2NW1/4, SW1/4NW1/4,

19 E1/2NW1/4NW1/4, W1/2NE1/4SW1/4, NW1/4NE1/4,

20 NW1/4SW1/4NE1/4

21 Section 15: W1/2W1/2NW1/4

22 Section 16: SE1/4, E1/2NE1/4, E1/2W1/2NE1/4

23 Section 21: E1/2SW1/4, E1/2SW1/4SW1/4, SW1/4SW1/4SW1/4,

24 SE1/4NW1/4SW1/4, NW1/4SE1/4, W1/2SW1/4SE1/4,

25 NE1/4SW1/4SE1/4, W1/2NE1/4, W1/2NE1/4NE1/4,

26 NW1/4SE1/4NE1/4, SE1/4NW1/4, E1/2NE1/4NW1/4,

27 SW1/4NE1/4NW1/4

28 Section 28: NW1/4, W1/2NW1/4NE1/4, NW1/4SW1/4,

29 NW1/4SW1/4SW1/4, NW1/4NE1/4SW1/4

30 Section 29: E1/2SE1/4, SE1/4NE1/4, SW1/4SE1/4, S1/2 NW1/4SE1/4,

31 NE1/4NW1/4SE1/4, S1/2SW1/4, S1/2NE1/4SW1/4

1 Section 30: S1/2S1/2S1/2, S1/2SE1/4

2 Section 31: NW1/4, N1/2NE1/4, N1/2S1/2NE1/4

3 Section 32: N1/2NW1/4, N1/2SW1/4NW1/4, NW1/4NW1/4NE1/4.

4 * **Sec. 29.** AS 44.37 is amended by adding a new section to read:

5 **Sec. 44.37.032. Fees for certain services.** The Department of Natural
6 Resources may adopt regulations that prescribe reasonable fees, and establish
7 procedures for the collection of the fees, to cover the applicable direct costs, not
8 including travel, of inspections, permit preparation and administration, plan review and
9 approval, and other services provided by the department relating to agriculture and
10 animals under AS 03.05.

11 * **Sec. 30.** AS 44.46.025(a) is amended to read:

12 (a) The Department of Environmental Conservation may adopt regulations that
13 prescribe reasonable fees, and establish procedures for the collection of the fees, to
14 cover the applicable direct costs, not including travel, of inspections, permit
15 preparation and administration, plan review and approval, and other services provided
16 by the department relating to

17 (1) [AGRICULTURE AND ANIMALS UNDER AS 03.05; FOOD,]
18 drugs [,] and cosmetics under AS 17.20, [;] and public accommodations and facilities
19 under AS 18.35;

20 (2) certificates of inspection for motor vehicles under AS 46.14.400 or
21 46.14.510;

22 (3) sewerage system and treatment works and wastewater disposal
23 systems, and drinking water systems, under AS 46.03.720;

24 (4) [REPEALED

25 (5) REPEALED

26 (6) water and wastewater operator training under AS 46.30;

27 (5) [(7)] control of solid waste facilities under AS 46.03.020(10) and
28 46.03.100;

29 (6) [(8)] certification of laboratories conducting environmental analyses
30 of public drinking water systems or of oil or hazardous substances [,] or conducting
31 other analyses required by the department;

1 (7) [(9)] certification of federal permits or authorizations under 33
 2 U.S.C. 1341 (sec. 401, Clean Water Act).

3 * **Sec. 31.** AS 44.46.025(d) is amended to read:

4 (d) Notwithstanding (a) of this section, the department may not charge a fee
 5 for inspection, permit preparation and administration, plan review and approval, or
 6 other services provided by the department under [AS 03.05 OR] AS 44.46.020(5) to
 7 a school. In this subsection, "school" means a public school or private school for
 8 children of school age, as defined in AS 14.03.070, or a head start center that receives
 9 federal financial assistance under 42 U.S.C. 9835.

10 * **Sec. 32.** AS 03.05.020(b), 03.05.040(b), 03.05.050(b), 03.05.060(b), 03.05.080(b);
 11 AS 03.25.250; and AS 03.58.070(1) are repealed.

12 * **Sec. 33.** AVAILABILITY OF HATCHER PASS PUBLIC USE AREA LAND FOR
 13 GENERAL GRANT LAND ENTITLEMENT OF THE MATANUSKA-SUSITNA
 14 BOROUGH. Notwithstanding the reservation of land, designation of the reserved land as the
 15 Hatcher Pass Public Use Area, and assignment of control and management of the land to the
 16 Department of Natural Resources made by AS 41.23.130, and notwithstanding selection
 17 procedures applicable to municipal general grant land entitlements under AS 29.65.010 -
 18 29.65.140, the following land within Township 19 North, Range 1 East, Seward Meridian, that
 19 is part of the Hatcher Pass Public Use Area is available for selection and conveyance to the
 20 Matanuska-Susitna Borough to fulfill the borough's general grant land entitlement under
 21 AS 29.65.010 - 29.65.140:

22 Section 2: S1/2SW1/4SW1/4

23 Section 10: E1/2E1/2

24 Section 11: Tract A

25 Section 14: Tract A

26 Section 15: E1/2E1/2

27 Section 22: E1/2E1/2

28 Section 27: E1/2E1/2

29 * **Sec. 34.** TRANSITION. (a) All litigation, hearings, investigations, and other
 30 proceedings pending under a law amended or repealed by this Act, or in connection with
 31 functions transferred by this Act, continue in effect and may be continued and completed

1 notwithstanding an amendment or a repeal provided for in this Act.

2 (b) Certificates and orders issued under authority of a law amended or repealed by this
3 Act remain in effect for the term issued, or until revoked, vacated, or otherwise modified
4 under the provisions of this Act.

5 (c) Regulations in effect on June 30, 1999, that were adopted to implement a function
6 that is transferred by this Act remain in effect and shall be enforced by the agency to which
7 the function is transferred under this Act until amended by the agency to which the function
8 is transferred.

9 (d) Wherever in Alaska Statutes affected by this Act there is a reference to regulations
10 adopted under a section of law and there are no regulations adopted under that section because
11 previous regulations adopted under another section are being enforced under (c) of this
12 section, the reference shall be construed to refer to the previously adopted regulations until
13 they are amended by the new agency.

14 (e) All contracts, rights, liabilities, and obligations created by or under a law amended
15 or repealed by this Act, and in effect on July 1, 1999, remain in effect notwithstanding this
16 Act's taking effect.

17 (f) Records, equipment, appropriations, and other property of agencies of the state
18 whose functions are transferred under this Act shall be transferred commensurate with the
19 provisions of this Act.

20 * **Sec. 35.** Sections 1 - 27 and 29 - 33 of this Act take effect July 1, 1999.

21 * **Sec. 36.** Section 28 of this Act takes effect on the date of conveyance by the Department
22 of Natural Resources to the Matanuska-Susitna Borough of all land described in sec. 33 of this
23 Act. The commissioner of natural resources shall promptly notify the revisor of statutes of
24 the conveyance made by the Department of Natural Resources to the Matanuska-Susitna
25 Borough of land described in sec. 33 of this Act.