

SENATE BILL NO. 142

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY SENATOR TAYLOR

Introduced: 4/12/99

Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to infestations and diseases of timber."

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

3 * **Section 1.** AS 41.17.082(d) is amended to read:

4 (d) The commissioner may undertake surveys and appraisals to obtain data on
5 regional insect infestations and disease conditions. Upon a determination that an area
6 is infested with forest insects or infected with diseases injurious to forest resources,
7 [AND] that the infestation or infection threatens the forest land or timber of adjacent
8 owners, **and that insect and disease control work is feasible,** the commissioner **shall**
9 [MAY] establish the boundaries of an infestation or infection zone. The commissioner
10 **shall** [MAY] enter into an agreement with an owner or with a governmental agency
11 to control or suppress infestation or infection within the zone **and to implement**
12 **necessary salvage measures. When timber on state land or when timber on**
13 **municipal forest land that is subject to an agreement entered into under this**
14 **subsection is (1) infested or diseased and thereby poses a significant threat to**
15 **surrounding healthy timber, or (2) subjected to an environmental catastrophe**

1 and, as a result, is susceptible to infestation or disease, to prevent the spread of
 2 infestation or disease, the timber on state land and the timber on municipal land,
 3 as provided in the agreement, shall be salvaged as rapidly as practicable
 4 considering the available access to the timber and the marketability of the timber.
 5 If possible, salvage under this subsection should occur before there is a significant
 6 loss of merchantability of the timber. Upon a determination by the commissioner
 7 that insect and disease control work within the zone is no longer necessary or feasible,
 8 the commissioner shall terminate the zone.

9 * **Sec. 2.** AS 41.17.082 is amended by adding a new subsection to read:

10 (e) The commissioner shall declare an emergency when 100 acres or more of
 11 timber is infested or diseased within the boundaries of an infestation or infection zone
 12 established under (d) of this section. Upon the declaration of an emergency, the
 13 commissioner may

14 (1) offer emergency and salvage sales under AS 38.05 of infested or
 15 diseased state timber or state timber that is threatened with infestation or disease;

16 (2) harvest infested or diseased state timber regardless of whether the
 17 proceeds from the harvested timber will provide a net return to the state;

18 (3) exempt salvage and emergency sales of less than 200 acres from
 19 the preparation of a plan of operations under AS 41.17.090;

20 (4) require reforestation of a greater degree, quantity, and type than
 21 otherwise required by this chapter for the reforestation of riparian areas; and

22 (5) waive a requirement of this chapter and regulations adopted under
 23 this chapter, other than a requirement of or a regulation adopted under AS 41.17.115 -
 24 41.17.119, if the commissioner finds that the waiver will substantially contribute to
 25 controlling or eliminating the infestation or disease.