



# LAWS OF ALASKA

2003

**Source**  
SB 142

**Chapter No.**  
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## AN ACT

Designating the Department of Natural Resources as lead agency for resource development projects; making conforming amendments; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1



**AN ACT**

1 Designating the Department of Natural Resources as lead agency for resource development  
2 projects; making conforming amendments; and providing for an effective date.

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4 **\* Section 1.** AS 38.05.020(b) is amended to read:

5 (b) The commissioner may

6 (1) establish reasonable procedures and adopt reasonable regulations  
7 necessary to carry out this chapter and, whenever necessary, issue directives or orders  
8 to the director to carry out specific functions and duties; regulations adopted by the  
9 commissioner shall be adopted under AS 44.62 (Administrative Procedure Act);  
10 orders by the commissioner classifying land, issued after January 3, 1959, are not  
11 required to be adopted under AS 44.62 (Administrative Procedure Act);

12 (2) enter into agreements considered necessary to carry out the  
13 purposes of this chapter, including agreements with federal and state agencies;

1 (3) review any order or action of the director;  
2 (4) exercise the powers and do the acts necessary to carry out the  
3 provisions and objectives of this chapter;

4 (5) notwithstanding the provisions of any other section of this chapter,  
5 grant an extension of the time within which payments due on any exploration license,  
6 lease, or sale of state land, minerals, or materials may be made, including payment of  
7 rental and royalties, on a finding that compliance with the requirements is or was  
8 prevented by reason of war, riots, or acts of God;

9 (6) classify tracts for agricultural uses;

10 (7) after consulting with the Board of Agriculture and Conservation  
11 (AS 03.09.010), waive, postpone, or otherwise modify the development requirements  
12 of a contract for the sale of agricultural land if

13 (A) the land is inaccessible by road; or

14 (B) transportation, marketing, and development costs render  
15 the required development uneconomic;

16 (8) reconvey or relinquish land or an interest in land to the federal  
17 government if

18 (A) the land is described in an amended application for an  
19 allotment under 43 U.S.C. 1617; and

20 (B) the reconveyance or relinquishment is

21 (i) for the purposes provided in 43 U.S.C. 1617; and

22 (ii) in the best interests of the state;

23 **(9) lead and coordinate all matters relating to the state's review**  
24 **and authorization of resource development projects.**

25 \* **Sec. 2.** AS 46.03.880 is amended by adding a new subsection to read:

26 (b) Notwithstanding AS 44.62.330(a)(44), adjudicatory hearing procedures to  
27 review permit decisions under this chapter need not conform to AS 44.62.330 -  
28 44.62.630 (Administrative Procedure Act).

29 \* **Sec. 3.** AS 46.04 is amended by adding a new section to article 3 to read:

30 **Sec. 46.04.890. Applicability of Administrative Procedure Act.**

31 Notwithstanding AS 44.62.330(a)(44), adjudicatory hearing procedures to review

1 permit decisions under this chapter need not conform to AS 44.62.330 - 44.62.630  
2 (Administrative Procedure Act).

3 \* **Sec. 4.** AS 41.17.085(a); AS 46.03.020(11); AS 46.35.010, 46.35.020, 46.35.030,  
4 46.35.040, 46.35.050, 46.35.060, 46.35.070, 46.35.080, 46.35.090, 46.35.100, 46.35.110,  
5 46.35.120, 46.35.130, 46.35.140, 46.35.150, 46.35.160, 46.35.170, 46.35.200, and 46.35.210  
6 are repealed.

7 \* **Sec. 5.** This Act takes effect immediately under AS 01.10.070(c).