

**SENATE BILL NO. 66**

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

**BY SENATORS GUESS, French, Elton**

**Introduced: 2/12/03**

**Referred: Resources, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to mining."**

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

3 \* **Section 1.** AS 27.09 is amended by adding a new section to read:

4 **Article 2. Mining Infrastructure Fund.**

5 **Sec. 27.09.100. Mining infrastructure fund.** (a) The mining infrastructure  
6 fund is created in the general fund. Revenues from the following sources not  
7 deposited into the Alaska permanent fund under AS 37.13.010 or art. IX, sec. 15,  
8 Constitution of the State of Alaska, shall be accounted for separately and deposited  
9 into the mining infrastructure fund:

10 (1) annual rental on mining claims, leasehold locations, prospecting  
11 sites, and mining leases under AS 38.05.211;

12 (2) mining production royalties under AS 38.05.212;

13 (3) net income taxes under AS 43.20 on income derived from mining,  
14 as that term is defined in AS 43.65.060; and

15 (4) mining license taxes under AS 43.65.

1 (b) The legislature may appropriate money from the mining infrastructure  
 2 fund for the performance of airborne surveys and geophysical surveys, as those terms  
 3 are defined in AS 38.05.242, and for infrastructure for projects included on the list  
 4 compiled under (c) of this section.

5 (c) The commissioner of natural resources shall compile a list of potential  
 6 mining projects that are not being developed due to inadequate or nonexistent  
 7 transportation, utility, or other infrastructure. The commissioner shall rank the  
 8 projects based on the number of jobs and the amount of payroll each is expected to  
 9 generate, the value of the minerals to be developed, and other criteria determined by  
 10 the commissioner.

11 (d) The deposit required and appropriations authorized by this section are not  
 12 intended to create a dedication in violation of art. IX, sec. 7, Constitution of the State  
 13 of Alaska.

14 \* **Sec. 2.** AS 46.03 is amended by adding a new section to read:

15 **Sec. 46.03.115. Wastewater disposal from mining operations.**

16 Notwithstanding the standards adopted or established under AS 46.03.070 and  
 17 46.03.080, and notwithstanding AS 46.03.110(d), the department may not require that  
 18 nondomestic wastewater discharged into a watercourse or body of water from a  
 19 mining operation must be less polluted or of higher quality or greater purity than the  
 20 body of water into which the discharge is made or the water immediately upstream of  
 21 the mining operation, whichever is applicable, if the mining operation demonstrates  
 22 that

23 (1) a substance does not appear in greater amounts or higher  
 24 concentrations in the discharged water than in the water body or the water  
 25 immediately upstream of the mining operation, as applicable;

26 (2) the water in the water body or the water immediately upstream of  
 27 the mining operation, as applicable, contains only naturally occurring substances;

28 (3) the discharged water is neither hotter nor colder than the receiving  
 29 water; and

30 (4) the discharge is in compliance with applicable federal laws and  
 31 regulations.

1     \* **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to  
2 read:

3           INSTRUCTION TO REVISOR.     The revisor of statutes shall substitute  
4 "AS 27.09.010 - 27.09.060" for "this chapter" in AS 27.09.010 - 27.09.060.