

SENATE BILL NO. 142

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 3/12/03
Referred: Resources

A BILL

FOR AN ACT ENTITLED

1 **"An Act designating the Department of Natural Resources as lead agency for resource**
2 **development projects; making conforming amendments; and providing for an effective**
3 **date."**

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

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

6 (b) The commissioner may

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

13 (2) enter into agreements considered necessary to carry out the
14 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 AS 46.03 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 AS 46.04 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).