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IN THE SENATE

BY RULES COMMITTEE
BY REQUEST OF THE GOVERNOR

SENATE BILL NO. 222

IN THE LEGISLATURE OF THE STATE OF ALASKA

FIRST LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to the regulation of mining operations; authorizing the Commissioner of Natural Resources to promulgate regulations pertaining to mining operations; amending Sec. 47-3-141, ACLA 1949; amending Sec. 47-3-190, ACLA 1949; amending Sec. 47-3-206, ACLA 1949 as amended by Ch. 7, SLA 1953; amending Sec. 47-3-207, ACLA 1949; amending Sec. 47-3-228, ACLA 1949; and providing for an effective date."

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

Section 1. PURPOSE, CONSTRUCTION AND INTERPRETATION. This Act is intended to provide uniform safety standards for all mining operations conducted within the state; to afford maximum freedom of operation to mining operators while assuring proper working conditions for employees of such mining operations in regards to mining operations; to insure the protection of the public safety and public interest; and to provide for the conservation of natural resources in the public interest in relating to mining operations.

Sec. 2. RULES AND REGULATIONS. The Commissioner of Natural Resources is hereby granted the authority to promulgate rules, regulations and orders as he may deem necessary to effectuate and carry out the purpose of this Act, and such rules and regulations

1 shall have the force and effect of law. Rules, regulations and
2 orders authorized by this Act shall be consistent with the
3 purpose of this Act and shall be promulgated to effectuate the
4 proper administration and enforcement of this Act, including, but
5 not limited to, rules, regulations and orders pertaining to and
6 supplementing the subject matter contained in the provisions of
7 Sec. 47-3-141, ACLA 1949, as amended herein; Secs. 47-3-142
8 through 47-3-189, ACLA 1949; Sec. 47-3-191, ACLA 1949; Secs.
9 47-3-201 through 47-3-205, ACLA 1949; Sec. 47-3-206, ACLA 1949, as
10 amended by Ch. 7, SLA 1953, and as further amended herein; Sec.
11 47-3-207, ACLA 1949, as amended herein; Secs. 47-3-208 through
12 47-3-218, ACLA 1949; and Secs. 47-3-220 through 47-3-227, ACLA 1949.

13 All rules, regulations and orders authorized by this Act
14 shall be promulgated in accordance with the Administrative Proce-
15 dure Act.

16 Sec. 3. Sec. 47-3-141, ACLA 1949, is amended to read as
17 follows:

18 Sec. 47-3-141. APPLICATION OF ACT. In so far as they
19 may be applicable, the provisions of this Act shall apply
20 to all coal prospects, prospecting or exploration work,
21 mines, tunnels, banks and open cut workings, in the State
22 [TERRITORY] of Alaska, which employ one or more men, or on
23 which one or more lessees are working.

24 Sec. 4. Sec. 47-3-190, ACLA 1949, is amended to read as
25 follows:

26 Sec. 47-3-190. PENALTY FOR VIOLATION OF ACT. Any
27 persons or corporations failing to comply with any of the
28 provisions of this Act, or any rule, regulation, or order
29 promulgated pursuant thereto, shall be deemed guilty of a

1 misdemeanor, and upon conviction thereof shall be fined in a
2 sum not less than Fifty Dollars (\$50.00), nor more than One
3 Thousand Dollars (\$1,000), or be imprisoned [IN THE FEDERAL
4 JAIL] for a period of not [LESS THAN THIRTY (30) DAYS NOR]
5 more than one (1) year, or punished by both such fine and
6 imprisonment at the discretion of the Court.

7 Sec. 5. The first paragraph of Sec. 47-3-206, ACLA 1949, as
8 amended by Ch. 7, SLA 1953, is further amended to read as follows:

9 Sec. 47-3-206. TERMS DEFINED. The term "mine" when
10 used in this Act, shall include any and all parts of any
11 mine or mineral exploration project within Alaska [THE
12 TERRITORY], and any mining or treatment plant or equipment
13 connected therewith underground or on the surface, which con-
14 tributes, or may contribute, to the mining or treatment of
15 ore, coal, or other metalliferous or non-metalliferous min-
16 eral product; the term shall also include any site of tunnel-
17 ing, shaft-sinking, quarrying or excavation of rock for other
18 purposes, as for example, but not limited to, the construction
19 of water or highway tunnels or drains or of underground sites
20 for the housing of industrial plants or other facilities.

21 Sec. 6. Sec. 47-3-207, ACLA 1949, is amended to read as
22 follows:

23 Sec. 47-3-207. JURISDICTION OF COMMISSIONER OF NATURAL
24 RESOURCES [MINES]. The jurisdiction of the Commissioner of
25 Natural Resources [MINES] shall cover all branches of mining,
26 prospecting, exploration, shaft-sinking, tunneling, quarrying,
27 and dredging, and the machinery incident to the reduction of
28 ores or the treatment of the material; provided, however, that
29 such jurisdiction shall apply only to the safety of the

1 workers engaged in such mining, shaft-sinking, tunneling,
2 quarrying and dredging and around machinery incident to the
3 reduction of ores and treatment of the material [.] and to
4 the regulation of the extraction of leasing act minerals for
5 the conservation of these minerals in the public interest.

6 [PROVIDED, HOWEVER, THAT THE COMMISSIONER OF MINES SHALL HAVE
7 NO JURISDICTION UNDER THIS ACT OVER COAL MINES TO BE WORKED
8 UNDER LEASE FROM THE UNITED STATES GOVERNMENT.]

9 Sec. 7. Sec. 47-3-228, ACLA 1949, is amended to read as
10 follows:

11 Sec. 47-3-228. PENALTY FOR VIOLATIONS. Any persons or
12 corporations failing to comply with any of the provisions of
13 this Act, or any rules, regulation, or order promulgated
14 pursuant thereto, shall be deemed guilty of a misdemeanor,
15 and upon conviction thereof shall be fined in a sum not less
16 than Fifty Dollars (\$50.00), nor more than One Thousand
17 Dollars (\$1,000.00), or be imprisoned [IN THE FEDERAL JAIL]
18 for a period of not [LESS THAN THIRTY (30) DAYS NOR] more
19 than one (1) year, or punished by both such fine and imprison-
20 ment, at the discretion of the Court.

21 Sec. 8. EFFECTIVE DATE. This Act takes effect on the day
22 after its passage and approval or on the day it becomes law
23 without such approval.
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