

1 IN THE HOUSE

BY BRADNER

2 HOUSE BILL NO. 19

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act creating the Department of Environmental
7 Affairs; and providing for an effective date."

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

9 * Section 1. AS 44.15.010 is amended by adding a new paragraph to read:

10 (16) Department of Environmental Affairs

11 * Sec. 2. AS 41 is amended by adding a new chapter to read:

12 CHAPTER 04. DEPARTMENT OF ENVIRONMENTAL AFFAIRS.

13 ARTICLE 1. GENERAL DUTIES AND ORGANIZATION.

14 Sec. 41.04.010. COMMISSIONER OF ENVIRONMENT. The principal exe-
15 cutive officer of the Department of Environmental Affairs is the
16 commissioner of environment. The commissioner shall be a capable admin-
17 istrator and a recognized expert in the field of ecology and environ-
18 mental control. The commissioner shall be appointed by the governor
19 with the consent of the legislature for a term of five years.

20 Sec. 41.04.020. POWERS AND DUTIES OF COMMISSIONER. The commis-
21 sioner shall

22 (1) supervise and control the department, and he may appoint
23 and employ division heads, section heads, and the technical, clerical
24 and other assistants necessary for the general administration of the
25 department;

26 (2) establish those divisions and sections considered neces-
27 sary to carry out the provisions of this chapter and otherwise consis-
28 tent with law.

29 Sec. 41.04.030. DUTIES OF DEPARTMENT. The Department of

1 Environmental Affairs shall

2 (1) conduct investigations, studies, surveys, research, and
3 analyses relating to ecological systems and environmental quality;

4 (2) document and define changes in the natural environment,
5 including the plant and animal systems, and accumulate necessary data
6 and other information for a continuing analysis of these changes or
7 trends and for an interpretation of their underlying causes;

8 (3) evaluate and disseminate information of an ecological
9 nature to public and private agencies or organizations, or individuals
10 in the form of reports, publications, atlases, and maps;

11 (4) make available to state agencies, local governments, and
12 individuals, advice and information useful in restoring, maintaining,
13 and enhancing the quality of the environment;

14 (5) initiate and utilize ecological information in the plan-
15 ning and development of resource-oriented projects;

16 (6) accept and use donations of funds, property, personal
17 services, or facilities to carry out the purposes of this chapter;

18 (7) require reports from state agencies, local governments,
19 and private individuals who undertake resource development projects,
20 engineering works, and other major projects and programs which make
21 significant modifications in the natural environment, evaluate these
22 reports and approve the projects if it is found that

23 (A) an adverse environmental effect cannot be avoided
24 by following reasonable alternatives and is justified by other
25 stated considerations of state policy;

26 (B) local short-term uses of man's environment are con-
27 sistent with maintaining and enhancing long-term productivity;

28 (C) an irreversible and irretrievable commitment of
29 resources is warranted;

1 (8) disapprove the projects if the criteria in (7) of this
2 section are not met; projects may not be undertaken without approval;

3 (9) have primary responsibility for parks and outdoor
4 recreation in the state as provided for in sec. 60 of this chapter;

5 (10) exercise land planning and classification duties as
6 provided for in sec. 70 of this chapter;

7 (11) study, develop, and describe appropriate alternatives
8 to recommended courses of action in any proposal which involves unre-
9 solved conflicts concerning alternative uses of land, water, or air;

10 (12) review statutory authority, administrative regulations,
11 and current policies and procedures for conformity to the purposes and
12 provisions of this chapter and propose to the governor and to the
13 legislature those measures considered desirable to effectuate the pro-
14 visions and purposes of this chapter.

15 Sec. 41.04.040. DIVISIONS OF DEPARTMENT. (a) The department
16 shall have the following divisions:

17 (1) the division of ecology;

18 (2) the division of parks and outdoor recreation;

19 (3) the division of land planning and classification;

20 (4) the division of pollution control.

21 (b) The commissioner may create other divisions and sections
22 which he considers necessary to carry out the provisions of this chap-
23 ter. Subject to the supervision and control of the commissioner, the
24 divisions in this section shall have the duties and powers described
25 in secs. 50 - 80 of this chapter.

26 (c) The commissioner shall appoint directors for the divisions
27 within the department and these directors shall serve at the pleasure
28 of the commissioner.

29 ARTICLE 2. DEPARTMENTAL STRUCTURE.

1 Sec. 41.04.050. DIVISION OF ECOLOGY. The division of ecology
2 shall

3 (1) conduct investigations, studies, surveys, research, and
4 analyses relating to ecological systems and environmental quality;

5 (2) initiate and utilize ecological information in the plan-
6 ning and development of resource-oriented projects;

7 (3) perform other duties as provided by law or that the
8 commissioner sees fit to place in the division's trust.

9 Sec. 41.04.060. DIVISION OF PARKS AND RECREATION. The division
10 of parks and outdoor recreation shall

11 (1) foster the growth and development of a system of parks
12 and recreational facilities and opportunities in the state, for the
13 general health, welfare, education, and enjoyment of its citizens and
14 for the attraction of visitors to the state;

15 (2) perform the responsibilities imposed by ch. 20 of this
16 title and other duties as provided by law or that the commissioner sees
17 fit to place in the division's trust.

18 Sec. 41.04.070. DIVISION OF LAND PLANNING AND CLASSIFICATION.
19 The division of land planning and classification shall

20 (1) perform the responsibilities imposed by AS 38.05, AS 38.-
21 07 and AS 38.10, except for the leasing of mineral lands and mining
22 rights which shall be a coordinated effort performed by the Department
23 of Natural Resources and the Department of Environmental Affairs;

24 (2) perform other duties as provided by law or that the
25 commissioner sees fit to place in the division's trust.

26 Sec. 41.04.080. DIVISION OF POLLUTION CONTROL. The division of
27 pollution control shall

28 (1) perform the responsibilities imposed by AS 18.30 and
29 AS 18.35;

1 (2) have the primary responsibility for controlling and
2 preventing pollution of the state's air, water and surface and sub-
3 surface land areas;

4 (3) perform other duties as provided by law or that the
5 commissioner sees fit to place in the division's trust.

6 * Sec. 3. AS 18.05.040(11), (12) and (16) are repealed.

7 * Sec. 4. AS 18.30.015 - 18.30.070 are repealed.

8 * Sec. 5. AS 18.30.080 is amended to read:

9 Sec. 18.30.080. POWERS. In addition to other powers conferred
10 on it by law the Department of Environmental Affairs [COMMISSION] has
11 the power to

12 (1) adopt regulations implementing this chapter;

13 (2) hold hearings relating to any aspect of the administra-
14 tion of this chapter and in that regard compel the attendance of
15 witnesses and the production of evidence;

16 (3) issue orders necessary to effectuate the purposes of
17 this chapter and enforce them by appropriate administrative and
18 judicial proceedings;

19 (4) require access to records relating to emissions which
20 cause or contribute to air contamination;

21 (5) secure necessary scientific, technical, administrative
22 and operational services, including laboratory facilities, by contract
23 or otherwise;

24 (6) prepare and develop a comprehensive plan or plans for
25 the prevention, abatement and control of air pollution in the state;

26 (7) encourage voluntary cooperation by persons and affected
27 groups to achieve the purposes of this chapter;

28 (8) encourage local units of government to handle air pol-
29 lution problems within their respective jurisdictions and on a

1 cooperative basis, and provide technical and consultative assistance
2 for this;

3 (9) encourage and conduct studies, investigations and
4 research relating to air contamination and air pollution and their
5 causes, effects, prevention, abatement and control;

6 (10) determine by means of field studies and sampling the
7 degree of air contamination and air pollution in the several areas of
8 the state;

9 (11) make a continuing study of the effects of the emission
10 of air contaminants from motor vehicles on the quality of the outdoor
11 atmosphere of the state and make recommendations to appropriate public
12 and private bodies with respect to this;

13 (12) establish ambient air quality standards for the state
14 as a whole or for any part of it;

15 (13) collect and disseminate information and conduct educa-
16 tional and training programs relating to air contamination and air
17 pollution;

18 (14) advise, consult, contract and cooperate with other
19 agencies of the state, local governments, industries, other states,
20 interstate or interlocal agencies, the federal government and with
21 interested persons or groups;

22 (15) consult, upon request, with any person proposing to
23 construct, install, or otherwise acquire an air contaminant source or
24 a device or system for its control, concerning the efficacy of the
25 device or system or the air pollution problem which may be related to
26 the source, device or system; nothing in this consultation may be con-
27 strued to relieve a person from compliance with this chapter, rules
28 and regulations in force under it or other provisions of law;

29 (16) accept and administer grants or other funds or

1 gifts from public and private sources, including the federal government,
2 for carrying out the purposes of this chapter.

3 * Sec. 6. AS 18.30.090 is amended to read:

4 Sec. 18.30.090. CLASSIFICATION AND REPORTING. (a) The department
5 [COMMISSION] by rule or regulation may classify air contaminant sources,
6 which in its judgment may cause or contribute to air pollution,
7 according to levels and types of emissions and other characteristics
8 which relate to air pollution, and may require reporting for the
9 classifications. Classifications made under this subsection may be for
10 application to the state as a whole or to a designated area of the
11 state and shall be made with special reference to effects on health,
12 economics and social factors and physical effects on property.

13 (b) A person operating or responsible for the operation of air
14 contaminant sources of a class for which the regulations of the
15 department [COMMISSION] require reporting shall make reports containing
16 the information required by the department [COMMISSION] concerning
17 location, size and height of contaminant outlets, processes employed,
18 fuels used and the nature and time periods or duration of emissions,
19 and other information relevant to air pollution and available or
20 reasonably capable of being assembled.

21 * Sec. 7. AS 18.30.100 is amended to read:

22 Sec. 18.30.100. ADDITIONAL CONTAMINANT CONTROL MEASURES. (a)
23 The department [COMMISSION] may require that notice be given to it
24 before the undertaking of the construction, installation or establish-
25 ment of particular types or classes of new air contaminant sources
26 specified in its regulations. Within 15 days of its receipt of the
27 notice, the department [COMMISSION] may require, as a condition pre-
28 cedent to this undertaking, the submission of plans and other infor-
29 mation it considers necessary in order to determine whether the

1 proposed undertaking will be in accord with applicable regulations in
2 force under this chapter. If within 60 [30] days of the receipt of
3 these plans and information the department [COMMISSION] determines that
4 the proposed undertaking will not be in accord with the requirements of
5 this chapter and applicable regulations, it shall issue an order pro-
6 hibiting the undertaking. Failure to issue the order within the time
7 prescribed shall be considered an approval of the plans and information
8 and the undertaking may proceed in accordance with them.

9 (b) A person subject to an order of prohibition as prescribed in
10 (a) of this section, upon written request in accordance with regula-
11 tions of the department [COMMISSION], is entitled to a hearing on the
12 order. This procedure must be followed before invoking other available
13 legal remedies. Following the hearing the order may be affirmed,
14 modified or withdrawn.

15 (c) For the purposes of this chapter, addition to or enlargement
16 or replacement of an air contaminant source, or a major alteration of
17 one, shall be construed as an undertaking for the construction, instal-
18 lation or establishment of a new air contaminant source.

19 (d) Features, machines and devices constituting parts of or
20 called for by plans or other information submitted under (a) of this
21 section shall be maintained in good working order.

22 (e) Nothing in this section may be construed to authorize the
23 department [COMMISSION] to require the use of machinery, devices or
24 equipment from a particular supplier or produced by a particular manu-
25 facturer if the required performance standards may be met by machinery,
26 devices or equipment available from other sources.

27 (f) The absence of or the department's [COMMISSION'S] failure to
28 issue a regulation or order under this section does not relieve a per-
29 son from compliance with emission control requirements or other

1 provisions of law.

2 (g) The department [COMMISSION] may require the payment of a
3 reasonable fee for the review of plans and information required to be
4 submitted. No fee for a single review may exceed \$25.

5 * Sec. 8. AS 18.30.110 is amended to read:

6 Sec. 18.30.110. INSPECTION. For the purpose of ascertaining the
7 state of compliance with this chapter and appropriate regulations an
8 authorized officer, employee or representative of the department
9 [COMMISSION] may, at a reasonable time, enter and inspect the property
10 and premises where an air contaminant source is located or is being
11 constructed. No person may refuse entry or access to an authorized
12 representative of the department [COMMISSION] who requests entry for
13 purposes of inspection and who presents appropriate credentials; nor
14 may a person interfere with the inspection. The department [COMMISSION]
15 shall give the person who owns or is in control of the premises a
16 report setting out all facts found which relate to compliance status.
17 Inspection of private dwellings is not permitted without a search
18 warrant.

19 * Sec. 9. AS 18.30.120 is amended to read:

20 Sec. 18.30.120. EMISSION CONTROL REQUIREMENTS. The department
21 [COMMISSION] may establish emission control requirements which in its
22 judgment are necessary to prevent, abate or control air pollution.
23 These requirements may be for the state as a whole or may vary from
24 area to area as may be appropriate to facilitate accomplishment of the
25 purposes of this chapter and in order to take account of varying local
26 conditions.

27 * Sec. 10. AS 18.30.130 is amended to read:

28 Sec. 18.30.130. EMERGENCY PROCEDURE. (a) If the commissioner
29 [DIRECTOR] finds that a generalized condition of air pollution exists

1 and that it creates an emergency requiring immediate action to protect
2 human health or safety he shall [, WITH THE CONCURRENCE OF THE GOVERNOR,]
3 order persons causing or contributing to the air pollution to reduce
4 or discontinue immediately the emission of air contaminants. The
5 order shall fix a place and time, not more than 24 hours later, for a
6 hearing to be held before the department [COMMISSION]. Within 24
7 hours after the commencement of the hearing, and without adjournment of
8 it, the department [COMMISSION] shall affirm, modify or set aside the
9 order of the commissioner [DIRECTOR].

10 (b) In the absence of a generalized condition of air pollution
11 of the type referred to in (a) of this section, but if the commissioner
12 [DIRECTOR] finds that emissions from the operation of one or more air
13 contaminant sources is causing imminent danger to human health or
14 safety, he may order the person responsible for the operation in
15 question to reduce or discontinue emissions immediately, without regard
16 to sec. 220 of this chapter. If an order is issued, the hearing
17 requirements of (a) of this section apply.

18 (c) Nothing in this section may be construed to limit the con-
19 stitutional, statutory or inherent power of the governor or other
20 officer to declare an emergency and act on the basis of that declara-
21 tion.

22 * Sec. 11. AS 18.30.140 is amended to read:

23 Sec. 18.30.140. VARIANCES. (a) A person who owns or is in con-
24 trol of a plant, building, structure, establishment, process or equip-
25 ment may apply to the department [COMMISSION] for a variance from
26 regulations. The department [COMMISSION] may grant the variance, but
27 only after public hearing following due notice, if it finds that

28 (1) the emissions occurring or proposed to occur do not
29 endanger human health or safety; and

1 (2) compliance with the regulations from which variance is
2 sought would produce serious hardship without equal or greater benefits
3 to the public.

4 (b) No variance may be granted under this section until the
5 department [COMMISSION] has considered the relative interests of the
6 applicant, other owners of property likely to be affected by the
7 emissions and the general public.

8 (c) A variance or its renewal, granted under (a) of this section,
9 shall be for periods and under conditions consistent with the reasons
10 for it and within the following limitations:

11 (1) If the variance is granted on the ground that there is
12 no practicable means known or available for the adequate prevention,
13 abatement or control of the air pollution involved, it shall be only
14 until the necessary means for prevention, abatement or control become
15 known and available, subject to the taking of substitute or alternate
16 measures that the department [COMMISSION] may prescribe.

17 (2) If the variance is granted on the ground that compliance
18 with the particular requirement from which variance is sought will
19 necessitate the taking of measures which, because of their extent or
20 cost, must be spread over a considerable period, it shall be for a
21 period not to exceed the reasonable time which in the opinion of the
22 department [COMMISSION] is necessary. A variance granted on this
23 ground shall contain a timetable for taking action in an expeditious
24 manner and shall be conditioned on adherence to the timetable.

25 (3) If the variance is granted on the ground that it is
26 justified to relieve or prevent hardship of a kind other than that pro-
27 vided in (c)(1) and (2) of this section, it shall be for not more than
28 one year.

29 (d) A variance granted under this section may be renewed on terms

1 and conditions and for periods which would be appropriate on initial
2 granting of a variance. If complaint is made to the department
3 [COMMISSION] on account of the variance no renewal of it may be granted
4 unless, after public hearing on the complaint following due notice,
5 the department [COMMISSION] finds that renewal is justified. No
6 renewal may be granted except upon application for it. This applica-
7 tion shall be made at least 60 days before the expiration of the
8 variance. Immediately upon receipt of an application for renewal the
9 department [COMMISSION] shall give public notice of it.

10 (e) A variance or renewal is not a right of the applicant but
11 shall be in the discretion of the department [COMMISSION]. However, a
12 person adversely affected by a variance or renewal granted by the
13 department [COMMISSION] may obtain judicial review of the department
14 [COMMISSION] order in accordance with the Administrative Procedure
15 Act (AS 44.62). Judicial review of the denial of a variance or renewal
16 may be had only on the ground that the denial was arbitrary or capri-
17 cious.

18 (f) No variance or renewal granted under this section may be
19 construed to prevent or limit the application of the emergency pro-
20 visions of sec. 130 of this chapter.

21 * Sec. 12. AS 18.30.150 is amended to read:

22 Sec. 18.30.150. APPLICABILITY OF THE ADMINISTRATIVE PROCEDURE
23 ACT. Except as otherwise specifically provided in this chapter, the
24 Administrative Procedure Act (AS 44.62) governs the activities and the
25 proceedings of the department [COMMISSION].

26 * Sec. 13. AS 18.30.160 is amended to read:

27 Sec. 18.30.160. CONFIDENTIALITY OF RECORDS. Unless the owner or
28 operator expressly agrees to their publication or availability to the
29 general public, records and information in the possession of the

1 department [COMMISSION] concerning a contaminant source, which records
2 and information relate to production or sales figures or to processes
3 or production unique to the owner or operator or which would tend to
4 adversely affect his competitive position, as certified by him, are
5 only for the confidential use of the department [COMMISSION] on an
6 incamera basis in the administration of this chapter. The department
7 [COMMISSION] may, nevertheless, use these records and information in
8 compiling analyses or summaries relating to the general condition of
9 the outdoor atmosphere so long as the owner or operator is not identi-
10 fied and no information specified in the preceding sentence is revealed.

11 * Sec. 14. AS 18.30.170 is amended to read:

12 Sec. 18.30.170. LOCAL AIR POLLUTION CONTROL PROGRAMS. (a) A
13 municipality with a population in excess of 1,000 may, within five
14 years from August 5, 1969, establish and administer within its juris-
15 diction an air pollution control program. Organized boroughs may
16 establish the air pollution control program on an areawide basis, and
17 the exercise of powers with respect to the program is not subject to
18 the restrictions on acquiring additional areawide powers specified in
19 AS 07.15.350. However, the weighted vote shall apply to the exercise
20 of powers as provided in AS 07.20.070(d). This program shall

21 (1) provide by ordinance for requirements compatible with,
22 or stricter or more extensive than those imposed by secs. 120, 130 and
23 140 of this chapter and regulations issued under those sections;

24 (2) provide for the enforcement of the requirements by
25 appropriate administrative and judicial process;

26 (3) provide for administrative organization, staff, finan-
27 cial and other resources necessary to effectively and efficiently carry
28 out the program; and

29 (4) be approved by the department [COMMISSION] as adequate

1 to meet the requirements of this chapter and applicable regulations.

2 (b) Other municipalities may establish and administer air pol-
3 lution control programs if they meet the requirements of (a)(1) - (4)
4 of this section.

5 (c) A municipality may administer all or part of its air pollu-
6 tion control program in cooperation with one or more municipalities.

7 (d) If the department [COMMISSION] finds that the location,
8 character or extent of particular concentrations of population, air
9 contaminant sources, the geographic, topographic or meteorological
10 considerations, or a combination of these factors, make impracticable
11 the maintenance of appropriate levels of air quality without an area-
12 wide air pollution control program, the department [COMMISSION] may
13 determine the boundaries within which the program is necessary and
14 require it as the only acceptable alternative to direct state adminis-
15 tration.

16 * Sec. 15. AS 18.30.180 is amended to read:

17 Sec. 18.30.180. ABSENCE OF LOCAL PROGRAM. (a) If a municipality
18 authorized to establish or participate in an air pollution control
19 program under sec. 170(a) or (d) of this chapter fails to establish
20 a program within the time specified, or if the department [COMMISSION]
21 has reason to believe that an air pollution control program in force
22 under that section is inadequate to prevent and control air pollution
23 in the jurisdiction to which the program applies, or that the program
24 is being administered in a manner inconsistent with the requirements
25 of this chapter the department [COMMISSION] shall, following due
26 notice, conduct a hearing on the matter.

27 (b) If, after the hearing, the department [COMMISSION] determines
28 that any of the deficiencies enumerated in (a) of this section exist,
29 it shall require that necessary corrective action be taken within a

1 reasonable period of time, not to exceed 90 days.

2 (c) If the municipality or the district set up under sec. 170(a)
3 or (d) of this chapter fails to take the necessary corrective action
4 within the time specified the department [COMMISSION] shall administer
5 in the municipality or district all of the regulatory provisions of
6 this chapter. The department's [COMMISSION'S] air pollution control
7 program shall then supersede municipal air pollution ordinances,
8 regulations, and requirements in the affected jurisdiction.

9 (d) If the department [COMMISSION] finds that the control of a
10 particular class of air contaminant source, because of its complexity
11 or magnitude, is beyond the reasonable capability of the local air
12 pollution control authorities or may be more efficiently and economi-
13 cally performed at the state level, it may assume and retain juris-
14 diction over that class of air contaminant source. Classifications
15 under this subsection may be either on the basis of the nature of the
16 sources involved or on the basis of their relationship to the size of
17 the communities in which they are located.

18 (e) A municipality in which the department [COMMISSION] adminis-
19 ters the air pollution control program under this section may with the
20 approval of the department [COMMISSION] establish or resume a municipal
21 program which meets the requirements of sec. 170(a) of this chapter.

22 (f) The provisions of this chapter do not nullify a local air
23 pollution program in operation on August 5, 1969, if the program meets
24 the requirements of sec. 170(a) of this chapter within two years from
25 that date. Approval required from the department [COMMISSION] shall
26 be considered granted unless the department [COMMISSION] takes
27 explicit action to the contrary.

28 * Sec. 16. AS 18.30.190 is amended to read:

29 Sec. 18.30.190. STATE AND FEDERAL AID. (a) A local government

1 unit with an air pollution program meeting the requirements of this
2 chapter and the regulations issued under it may apply to the state for
3 state aid equal to 75 per cent of the locally funded annual operating
4 cost of the program. For a joint or areawide program established under
5 sec. 170 of this chapter application may be made for state aid equal to
6 75 per cent of the locally funded operating cost. In the case of a
7 joint or areawide program or, if the department [COMMISSION] finds that
8 one or more elements of separately administered programs are being
9 carried on jointly in a way that materially increases the efficiency
10 or effectiveness of the programs, it may aid the element carried on
11 under the interlocal agreement at the rate applied to joint and area-
12 wide programs generally.

13 (b) Municipalities of the state and interlocal air pollution
14 control agencies established under this chapter may apply for, receive,
15 administer and expend federal aid for the control of air pollution or
16 the development and administration of programs related to that con-
17 trol, if the application is first submitted to and approved by the
18 department [COMMISSION]. The department [COMMISSION] shall approve
19 an application if it is consistent with this chapter and other appli-
20 cable requirements of law.

21 * Sec. 17. AS 18.30.200 is amended to read:

22 Sec. 18.30.200. MOTOR VEHICLE POLLUTION. (a) As the state of
23 knowledge and technology relating to the control of emissions from
24 motor vehicles may permit or make appropriate, and in furtherance of
25 the purposes of this chapter, the department [COMMISSION] may provide
26 by regulations for the control of these emissions. The regulations
27 may prescribe requirements for the installation and use of equipment
28 designed to reduce or eliminate emissions and for the proper mainten-
29 ance of this equipment.

1 (b) Except as permitted by law, no person may fail to maintain
2 in operation any equipment or feature constituting an operational
3 element of the air pollution control system or mechanism of a motor
4 vehicle if it is required by regulations of the department [COMMISSION]
5 to be maintained in or on the vehicle. A failure to maintain this
6 equipment in operation shall subject the owner or operator to suspen-
7 sion or cancellation of the registration of the vehicle, and it may
8 not be again eligible for registration until this equipment is restored
9 to operation.

10 (c) The department [COMMISSION] shall consult with the Department
11 of Public Safety and furnish it with technical information, including
12 testing techniques, standards and instructions for emission control
13 features and equipment.

14 (d) When the department [COMMISSION] has issued regulations
15 requiring the maintenance of features or equipment in or on motor
16 vehicles for the purpose of controlling emission from the vehicles,
17 no motor vehicle may be issued a certificate of inspection and approval
18 if required, unless the required features or equipment have been
19 inspected in accordance with the standards, testing techniques and
20 instructions furnished by the board and have been found to meet those
21 standards.

22 * Sec. 18. AS 18.30.210 is repealed.

23 * Sec. 19. AS 18.30.220 is amended to read:

24 Sec. 18.30.220. ENFORCEMENT. (a) When the department [COMMIS-
25 SION] has reason to believe that a violation of this chapter or a
26 regulation issued under this chapter has occurred, the department
27 [COMMISSION] may serve written notice upon the suspected violator. The
28 notice shall specify the provision believed to be violated and the
29 facts believed to constitute the violation and may include an order

1 that necessary corrective action be taken within a reasonable time.
2 This order becomes final unless within 15 days after the notice and
3 order are served the person named requests in writing a hearing before
4 the department [COMMISSION], which hearing shall be held within a
5 reasonable time. In place of an order the department [COMMISSION]
6 may require the suspected violator to appear before the board for a
7 hearing at a time and place specified in the notice and answer the
8 charges.

9 (b) If, after a hearing held under (a) of this section, the
10 department [COMMISSION] finds that a violation has occurred, it shall
11 affirm or modify its order previously issued or issue an appropriate
12 order for taking corrective action. If the department [COMMISSION]
13 finds that no violation has occurred it shall rescind its previous
14 order, if any. An order issued as part of a notice or after a hearing
15 may prescribe the date by which the violation shall cease and may
16 prescribe timetables for necessary action in preventing, abating or
17 controlling the emissions.

18 (c) The department [COMMISSION] may make efforts to obtain
19 voluntary compliance through warning, conference or other appropriate
20 means.

21 (d) In connection with a hearing held under this section, the
22 department [COMMISSION] has the power and upon application by a party
23 to the hearing it has the duty to compel the attendance of witnesses
24 and the production of evidence on behalf of all parties.

25 * Sec. 20. AS 18.30.230(d) is amended to read:

26 (d) Conviction as specified in (a) and (b) of this section is
27 not a bar to enforcement of this chapter, and the regulations and
28 orders issued under it. The department [COMMISSION] has the power to
29 institute and maintain in the name of the state all enforcement

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proceedings.

* Sec. 21. AS 18.30.250(3) is repealed.

* Sec. 22. AS 18.30.250 is amended by adding a new paragraph to read:

(6) "department" means Department of Environmental Affairs.

* Sec. 23. AS 18.33.020 is repealed.

* Sec. 24. AS 18.33.030 is amended to read:

Sec. 18.33.030. POWERS AND DUTIES OF THE DEPARTMENT [BOARD].

(a) The department [BOARD] shall promulgate regulations designed to

(1) regulate the transportation, testing, inspection, packaging, labeling, handling and advertising of pesticides and broadcast chemicals offered for sale, or placed in commerce for use in the state;

(2) regulate and supervise the distribution, application or use of pesticides and broadcast chemicals in any state project or program, or by any public agency under the jurisdiction of the state;

(3) regulate or prohibit the use of pesticides and broadcast chemicals.

(b) The department [BOARD] may provide by regulation for the licensing of persons engaged in the custom, commercial or contract spraying or application of pesticides and broadcast chemicals, including the requirement of a surety bond and liability insurance for the licensee.

* Sec. 25. AS 18.33.040 is amended to read:

Sec. 18.33.040. ADMINISTRATION AND ENFORCEMENT. (a) The commissioner of environmental affairs [HEALTH AND WELFARE] shall administer and enforce the regulations promulgated under this chapter [BY THE BOARD] and disseminate informational and educational material to the public concerning the use, effects and hazards of pesticides and broadcast chemicals. [THE COMMISSIONER OF HEALTH AND WELFARE MAY

1 EMPLOY A DEPUTY FOR PESTICIDES AND BROADCAST CHEMICALS AND SUCH OTHER
2 STAFF AS IS NECESSARY FOR THESE PURPOSES.]

3 (b) The commissioner of fish and game and the commissioner of
4 natural resources are authorized to cooperate with the commissioner
5 of environmental affairs [HEALTH AND WELFARE] and to assign such
6 officers, personnel, and equipment as is considered appropriate by
7 the commissioner [BOARD] to effect the provisions of this chapter.

8 * Sec. 26. AS 18.33.050 is amended to read:

9 Sec. 18.33.050. PUBLIC PESTICIDE PROGRAMS. No officer, agent
10 or employee of the state, or of a borough or city of any class, may
11 direct, carry out, or participate in the spraying or application of
12 a pesticide or broadcast chemical in any program or project involving
13 funds, materials or equipment of the state, borough or city, except
14 in accordance with regulations promulgated by the department [BOARD]
15 under this chapter. Before a public project that would affect lands
16 owned separately by two or more persons is initiated, the person
17 directing the program shall give public notice of the program in the
18 manner required by regulations of the department [BOARD]. The
19 commissioner [BOARD] shall conduct a public hearing on the proposed
20 program if a hearing is requested by the governing body of the affected
21 borough or city, or by a petition signed by at least 50 residents.
22 The requirement for public notice or public hearing may be waived upon
23 a determination by the commissioner [CERTIFICATION TO THE BOARD BY
24 THE COMMISSIONER OF HEALTH AND WELFARE] that a public emergency exists.
25 The provisions of this section apply to home rule municipalities.

26 * Sec. 27. AS 18.33.060 is amended to read:

27 Sec. 18.33.060. PROHIBITIONS. No person may spray or apply, or
28 cause to be sprayed or applied dichloro-diphenyl-trichloro-ethane
29 (DDT), dieldrin or other pesticide or broadcast chemical in such a

1 manner as to be likely to damage or endanger the health, welfare
2 or property of another person, or in such a manner as to be likely
3 to pollute waters of the state without prior authorization of the
4 department [BOARD].

5 * Sec. 28. AS 18.33.070 is repealed.

6 * Sec. 29. AS 18.33.080 is amended to read:

7 Sec. 18.33.080. APPROPRIATIONS, LOANS AND GRANTS. The department
8 [BOARD] is authorized to accept and administer appropriations, loans
9 or grants from federal, state, or private sources for carrying out
10 its functions under this chapter.

11 * Sec. 30. AS 18.33.100 is repealed and reenacted to read:

12 Sec. 18.33.100. DEFINITIONS. In this chapter, unless the
13 context indicates otherwise,

14 (1) "broadcast chemicals" means chemical substances which
15 are released into the air or onto land or water for the purpose of
16 preventing, destroying, repelling, stimulating or retarding plant
17 or animal life, or chemical substances released for meteorological
18 control, oil spill control or fire control;

19 (2) "commissioner" means the commissioner of the Department
20 of Environmental Affairs;

21 (3) "department" means the Department of Environmental
22 Affairs;

23 (4) "pesticide" means any chemical or biological agent
24 intended for preventing, destroying, repelling, or mitigating plant
25 or animal life and any substance intended for use as a plant regulator,
26 defoliant or desiccant, including but not limited to insecticides,
27 fungicides, rodenticides, herbicides, nematocides and biocides.

28 * Sec. 31. AS 18.35.090(2) is amended to read:

29 (2) "department" means the Department of Environmental

1 Affairs [HEALTH AND WELFARE].

2 * Sec. 32. AS 18.45.030 is amended by adding a new paragraph to read:

3 (10) the Department of Environmental Affairs particularly
4 as to any adverse effect the presence of radioactive material in a
5 given area would have on the ecology and general environmental quality
6 of the area.

7 * Sec. 33. AS 18.60.560(1) is amended to read:

8 (1) "department" means the Department of Environmental
9 Affairs [HEALTH AND WELFARE];

10 * Sec. 34. AS 19.05.010 is amended to read:

11 Sec. 19.05.010. DEPARTMENT TO SUPERVISE HIGHWAY SYSTEM. The
12 department, subject to AS 41.04, is responsible for the planning, con-
13 struction, maintenance, protection and control of the state highway
14 system.

15 * Sec. 35. AS 19.05.030 is amended to read:

16 Sec. 19.05.030. DUTIES OF DEPARTMENT. Subject to AS 41.04, the
17 [THE] department has the following duties:

18 (1) direct approved highway planning and construction and
19 maintenance, protection and control of highways;

20 (2) employ assistants and employees;

21 (3) certify and approve vouchers;

22 (4) provide a program of highway research;

23 (5) prepare a budget;

24 (6) review the annual highway program.

25 * Sec. 36. AS 19.05.040 is amended to read:

26 Sec. 19.05.040. POWERS OF DEPARTMENT. Subject to AS 41.04, the
27 [THE] department may

28 (1) acquire property;

29 (2) exercise the power of eminent domain;

- 1 (3) take immediate possession of real property, or any
- 2 interest in it under a declaration of taking or by other lawful means;
- 3 (4) acquire rights-of-way for present or future use;
- 4 (5) control access to highways;
- 5 (6) regulate roadside development;
- 6 (7) preserve and maintain the scenic beauty along state
- 7 highways;
- 8 (8) dispose of excess property;
- 9 (9) accept and dispose of federal funds or property
- 10 available for highway construction, maintenance, or equipment;
- 11 (10) enter into contracts or agreements relating to high-
- 12 ways with the federal government, municipalities, a political sub-
- 13 division, or with a foreign government, if the contract is approved by
- 14 the federal government; and
- 15 (11) exercise any other power necessary to carry out the
- 16 purpose of chs. 5 - 25 of this title.

17 * Sec. 37. AS 19.40.060 is repealed and reenacted to read:

18 Sec. 19.40.060. CONDITIONS TO BE MET. Construction authorized

19 under secs. 20 - 50 of this chapter may not be undertaken until all

20 of the following conditions are met:

21 (1) certification by the Department of Environmental Affairs

22 that the plans submitted meet all the requirements of AS 41.04 and

23 regulations of the department and with the understanding that the

24 construction may be stopped at any stage of development if the

25 requirements of AS 41.04 and the regulations of the department are

26 not being met;

27 (2) all certifications, as well as the rules, regulations,

28 contract provisions, specifications, inspection procedures and programs

29 necessary to implement and accomplish secs. 20 - 50 of this chapter

1 shall be filed with the Department of Environmental Affairs and with
2 the governor's office and published;

3 (3) the governor has approved all certifications and sup-
4 porting material submitted to him under (2) of this section as being
5 in the best public interest, and has certified that the contract
6 required by sec. 20 of this chapter has been executed.

7 * Sec. 38. AS 27.05.010 is amended to read:

8 Sec. 27.05.010. DEPARTMENT RESPONSIBLE FOR MINERAL RESOURCES.
9 Subject to AS 41.04, the [THE] department has charge of all matters
10 affecting exploration, development and mining of the mineral resources
11 of the state, the collection and dissemination of all official infor-
12 mation relative to the mineral resources, and mines and mining projects
13 of the state, and the administration of the laws with respect to all
14 kinds of mining.

15 * Sec. 39. AS 31.05.030 is amended to read:

16 Sec. 31.05.030. POWERS AND DUTIES OF DEPARTMENT. (a) The
17 department, subject to AS 41.04, has jurisdiction and authority over
18 all persons and property, public and private, necessary to carry out
19 the purposes and intent of this chapter.

20 (b) The department shall investigate to determine whether or not
21 waste exists or is imminent, or whether or not other facts exist
22 which justify or require action by it.

23 (c) The department, subject to AS 41.04, shall adopt rules,
24 regulations and orders and take other appropriate action to carry out
25 the purposes of this chapter.

26 (d) The department, subject to AS 41.04, may require

27 (1) identification of ownership of wells, producing leases,
28 tanks, plants and drilling structures;

29 (2) the making and filing of reports, well logs, drilling

1 logs, electric logs, lithologic logs, directional surveys, and all
2 other subsurface information on a well drilled for oil or gas, or for
3 the discovery of oil or gas, or for geologic information, and the
4 required reports and information shall be filed within 30 days after
5 the completion, abandonment, or suspension of the well;

6 (3) the drilling, casing and plugging of wells in a manner
7 which will prevent the escape of oil or gas out of one stratum into
8 another, the intrusion of water into an oil or gas stratum, the pollu-
9 tion of fresh water supplies by oil, gas or salt water, and prevent
10 blowouts, cavings, seepages and fires;

11 (4) the furnishing of a reasonable bond with sufficient
12 surety conditions for the performance of the duty to plug each dry or
13 abandoned well or the repair of wells causing waste;

14 (5) the operation of wells with efficient gas-oil and
15 water-oil ratios, and may fix these ratios;

16 (6) the gauging or other measuring of oil and gas to deter-
17 mine the quality and quantity of oil and gas;

18 (7) every person who produces oil or gas in the state to
19 keep and maintain for a period of five years in the state complete and
20 accurate records of the quantities of oil and gas produced, which
21 shall be available for examination by the department or its agents at
22 all reasonable times.

23 (e) The department, subject to AS 41.04, may regulate, for
24 conservation purposes

- 25 (1) the drilling, producing and plugging of wells;
26 (2) the shooting and chemical treatment of wells;
27 (3) the spacing of wells;
28 (4) the disposal of salt water, nonpotable water and oil
29 field wastes;

1 (5) the contamination or waste of underground water.

2 (f) The department may classify wells as oil or gas wells for
3 purposes material to the interpretation or enforcement of this chapter.

4 * Sec. 40. AS 31.05.040(a) is amended to read:

5 (a) The department, subject to AS 41.04, shall prescribe rules
6 and regulations governing practice and procedure before it under this
7 chapter.

8 * Sec. 41. AS 31.05.090 is amended to read:

9 Sec. 31.05.090. PERMITS AND FEES TO DRILL WELLS. A person
10 desiring to drill a well in search of oil or gas shall notify the
11 Department of Natural Resources and the Department of Environmental
12 Affairs [DEPARTMENT] of his intent on a form prescribed by the
13 Department of Natural Resources and the Department of Environmental
14 Affairs [DEPARTMENT] and shall pay a fee of \$100 to the Department
15 of Natural Resources for a permit for each well sought to be drilled.
16 Upon receipt of notification and fee, the departments [DEPARTMENT]
17 shall timely and jointly [PROMPTLY] issue a permit to drill, unless
18 the drilling of the well is contrary to law or a regulation or order
19 of either [THE] department, or unless the person is in violation of
20 a department regulation, order or stipulation pertaining to drilling,
21 plugging or abandonment of a well. The drilling of a well is pro-
22 hibited until a permit to drill is obtained in accordance with this
23 chapter.

24 * Sec. 42. AS 31.05.150 is amended to read:

25 Sec. 31.05.150. PENALTIES. (a) A person who wilfully violates
26 a provision of this chapter, or a rule, regulation or order of the
27 Department of Natural Resources and the Department of Environmental
28 Affairs [DEPARTMENT] adopted under this chapter is subject to a
29 penalty of not more than \$1,000 for each act of violation and for each

1 day that the violation continues, unless the penalty for violation is
2 otherwise provided for and made exclusive in this chapter.

3 (b) If a person, for the purpose of evading this chapter, or any
4 rule, regulation or order of the Department of Natural Resources and
5 the Department of Environmental Affairs [DEPARTMENT] adopted under
6 this chapter, wilfully makes or has made a false entry in a record,
7 account or memorandum required by this chapter, or by a rule, regula-
8 tion or order, or wilfully omits, or causes to be omitted, from a
9 record, account or memorandum, full, true and correct entries as re-
10 quired by this chapter, or by a rule, regulation or order, or removes
11 from the state or destroys, mutilates, alters or falsifies such record,
12 account or memorandum, the person is guilty of a misdemeanor, and upon
13 conviction is punishable by a fine of not more than \$5,000, or by
14 imprisonment in jail for not more than six months, or by both.

15 (c) A person who knowingly aids or abets another person in the
16 violation of any provision of this chapter, or a rule, regulation or
17 order of the Department of Natural Resources and the Department of
18 Environmental Affairs [DEPARTMENT] adopted under this chapter is
19 subject to the same penalty as that prescribed by this chapter for
20 the violation by the other person.

21 (d) The penalties provided in this section are recoverable by
22 suit filed by the attorney general in the name and on behalf of the
23 Department of Natural Resources and the Department of Environmental
24 Affairs [DEPARTMENT] in the superior court of the judicial district in
25 which the defendant resides or in which any defendant resides, if
26 there is more than one defendant, or in the superior court of the
27 judicial district in which the violation occurs. The payment of a
28 penalty does not relieve a person on whom the penalty is imposed from
29 liability to any other person for damages arising out of the violation.

1 (e) The commissioner of natural resources or the commissioner
2 of environmental affairs may impose a penalty payment on every 1,000
3 cubic feet of natural gas flared, vented or otherwise determined to be
4 waste as defined in sec. 170(11) of this chapter. The penalty shall
5 be the fair market value of the natural gas, as determined by the
6 departments, at the point of waste.

7 * Sec. 43. AS 31.05.160 is amended to read:

8 Sec. 31.05.160. INJUNCTIVE RELIEF. (a) Whenever it appears
9 that a person is violating or threatening to violate a [ANY] provision
10 of this chapter, or a [ANY] rule, regulation or order of the Depart-
11 ment of Natural Resources or the Department of Environmental Affairs
12 [DEPARTMENT], the department or departments shall bring suit against
13 that person in the superior court of the judicial district where the
14 violation occurs or is threatened, to restrain the person from con-
15 tinuing the violation or from carrying out the threat of violation.
16 In the suit, the court shall have jurisdiction to grant to the depart-
17 ment or departments, without bond or other [OTHERWISE] undertaking,
18 [SUCH] prohibitory and mandatory injunctions as the facts warrant.

19 (b) If the Department of Natural Resources or the Department of
20 Environmental Affairs [DEPARTMENT] fails to bring suit to enjoin
21 a violation or threatened violation within 10 days after receipt of
22 written request to do so by a person who is or will be adversely
23 affected by the violation, the person making the request may bring
24 suit in his own behalf to restrain the violation or threatened viola-
25 tion in the court in which the departments [DEPARTMENT] may bring
26 suit. If the court finds that injunctive relief should be granted,
27 the department or departments shall be made a party and shall be
28 substituted for the person who brought the suit, and the injunction
29 shall be issued as if the department or departments had at all times

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been the plaintiff.

* Sec. 44. AS 31.05.170(3) is amended to read:

(3) "department" means the Department of Natural Resources unless the context indicates otherwise;

* Sec. 45. AS 35.05.010 is amended to read:

Sec. 35.05.010. PLANNING AND CONSTRUCTION. The department, subject to AS 41.04, is responsible for the planning and construction of public works.

* Sec. 46. AS 35.05.020 is amended to read:

Sec. 35.05.020. RULES AND REGULATIONS. The department, subject to AS 41.04, shall adopt rules and regulations which it considers necessary to carry out the purpose of this title.

* Sec. 47. AS 35.05.040 is amended to read:

Sec. 35.05.040. POWERS OF DEPARTMENT. The department, subject to AS 41.04, may

- (1) acquire property;
- (2) exercise the power of eminent domain;
- (3) take immediate possession of real property, or any interest in it under a declaration of taking or by other lawful means;
- (4) acquire rights-of-way for present or future use;
- (5) dispose of excess property or property rights;
- (6) accept and dispose of federal funds or property available for public works construction, maintenance, or equipment;
- (7) enter into contracts or agreements relating to public works with the federal government and political subdivisions, and also enter into contracts with a foreign government if approved by the federal government;
- (8) exercise any other power necessary to carry out the purpose of this title;

1 (9) lease or grant land or any interest in land to the
2 Alaska State Housing Authority on terms and conditions prescribed by
3 the department.

4 * Sec. 48. To provide for the orderly transfer of the responsibilities
5 and obligations of the division of lands, Department of Natural Resources,
6 to the division of land planning and classification, Department of Environ-
7 mental Affairs, existing regulations, and obligations incurred through
8 them, shall continue in full force and effect until lawfully amended or
9 withdrawn by the commissioner of environmental affairs.

10 * Sec. 49. AS 38.05.005 is amended to read:

11 Sec. 38.05.005. DIVISION OF LANDS. The commissioner shall con-
12 trol and supervise the division of lands created and established under
13 the Department of Environmental Affairs [NATURAL RESOURCES]. The
14 director has administrative powers and other delegated duties, as
15 prescribed by law or regulation.

16 * Sec. 50. AS 38.05.135 is amended to read:

17 Sec. 38.05.135. GENERALLY. Except as otherwise provided by the
18 Department of Environmental Affairs, valuable minerals deposits in
19 lands belonging to the state shall be open to exploration, development,
20 and the extraction of minerals. All lands not otherwise withdrawn,
21 together with tide, submerged, or shorelands, to which the state holds
22 title or to which the state may become entitled, may be obtained by
23 permit or lease for the purpose of exploration, development, and the
24 extraction of minerals. Except as specifically limited by secs. 135 -
25 180 of this chapter, lands may be withheld from lease application on a
26 first-come, first-served basis, and offered only on a competitive bid
27 basis when determined by the commissioner to be in the best interests
28 of the state. In unproven areas the commissioner may offer additional
29 incentives, including a reduction of royalty to a minimum of five per

1 cent in the case of oil and gas, and other terms in granting permit or
2 lease for exploration and development whenever it appears to be in the
3 best interests of the state to do so.

4 * Sec. 51. AS 38.05.140(e) is amended to read:

5 (e) The provisions of (d) of this section that apply to waiver,
6 suspension, refund or reduction of rental or minimum royalty apply
7 to rental or minimum royalty paid before or after June 19, 1970
8 on any lease covering land beneath navigable waters which, according
9 to the records of the department [DIVISION OF LANDS], is in effect
10 on June 19, 1970.

11 * Sec. 52. AS 38.05.145(a) is amended to read:

12 (a) Deposits of coal, phosphates, oil shale, sodium, potassium,
13 oil, gas, and state lands containing these deposits are subject to
14 disposition under rules and regulations [, RECOMMENDED BY THE DIRECTOR
15 AND] adopted by the commissioner, subject to approval by the Department
16 of Environmental Affairs, and the provisions of secs. 145 - 180 of
17 this chapter. In applying the acreage limitations the commissioner
18 may apply the rule of approximation. The uses of the rule of approxi-
19 mation made before March 31, 1960, by the commissioner are ratified.

20 * Sec. 53. AS 38.05.150(b) and (c) are amended to read:

21 (b) Thereafter the commissioner may, subject to AS 41.04 and
22 upon the request of a qualified applicant or on his own motion, from
23 time to time, offer the lands or deposits of coal for leasing. Each
24 lease shall be awarded to a qualified applicant by competitive bidding
25 or by the method which the commissioner adopts by general regulation.

26 (c) Where prospecting or exploration work is necessary to deter-
27 mine the existence or workability of coal deposits in an unclaimed and
28 undeveloped area, the commissioner, subject to AS 41.04, may issue to
29 qualified applicants prospecting permits for a term of two years, not

1 exceeding 5,120 acres. If within the period of two years the
2 permittee shows to the commissioner that the land contains coal in
3 commercial quantities and submits a satisfactory mining plan for the
4 coal's recovery, the permittee shall be entitled to a lease for all or
5 part of the land in his permit. A coal prospecting permit may be
6 extended by the commissioner for a period of two years, if he finds
7 that the permittee has been unable, with the exercise of reasonable
8 diligence, to determine the existence or workability of coal deposits
9 in the area covered by the permit and desires to prosecute further
10 prospecting or exploration, or for other reasons in the opinion of
11 the commissioner warranting extension.

12 * Sec. 54. AS 38.05.155(a) is amended to read:

13 (a) The commissioner, subject to AS 41.04, may lease to quali-
14 fied applicants lands belonging to the state which contain deposits of
15 phosphates and associated and related minerals, when in his judgment
16 it is in the public interest to do so. The commissioner may lease
17 land through advertisement, competitive bidding, or other methods
18 which he adopts by general regulation. The land shall be leased in
19 units reasonably compact in form and not exceeding 2,560 acres in
20 each unit.

21 * Sec. 55. AS 38.05.160(a) is amended to read:

22 (a) The commissioner, subject to AS 41.04, may lease to a
23 qualified person deposits of oil shale belonging to the state and the
24 surface of as much of the land containing these deposits, or land
25 adjacent to it, as may be required for the extraction and reduction of
26 the lease minerals. The lease may not exceed 5,120 acres of land,
27 and the terms of the lease shall be limited to the extraction of
28 minerals from the oil shale so leased. The lease may be for indeter-
29 minate periods upon the conditions imposed by the commissioner.

1 * Sec. 56. AS 38.05.165(a) is amended to read:

2 (a) The commissioner, subject to AS 41.04, may grant a pros-
3 pecting permit to a qualified applicant. The permit gives the exclu-
4 sive right to prospect for chlorides, sulphates, carbonates, borates,
5 silicates, or nitrates of sodium in lands belonging to the state for
6 a period of not exceeding two years. The area included in a pros-
7 pecting permit shall not exceed 2,560 acres of land in reasonably
8 compact form. Upon showing to the satisfaction of the commissioner
9 that valuable deposits of sodium minerals have been discovered by the
10 permittee within the area covered by his permit, and that the land
11 is chiefly valuable for these deposits, the permittee is entitled to
12 a lease for all or a part of the land embraced in the prospecting
13 permit at a royalty of not less than two per cent of the quantity or
14 gross value of the output of sodium compounds and other related
15 products at the point of shipment to market. The commissioner, sub-
16 ject to AS 41.04, may lease lands known to contain valuable deposits
17 of sodium compounds which are not covered by permits or leases through
18 advertisement, competitive bidding, or other methods which he adopts
19 by general regulation. The area covered by a lease may not exceed
20 2,560 acres.

21 * Sec. 57. AS 38.05.170(a) is amended to read:

22 (a) Subject to AS 41.04 and under [UNDER] rules and regulations
23 prescribed by the commissioner, the commissioner shall grant a pros-
24 pecting permit for sulphur to a qualified applicant. The permit gives
25 the applicant the exclusive right to prospect for sulphur, in lands
26 belonging to the state, for a period not exceeding two years. The
27 area included in a permit shall not exceed 2,560 acres of land in
28 reasonably compact form. Upon showing to the satisfaction of the
29 commissioner that valuable deposits of sulphur have been discovered

1 by the permittee within the area covered by his permit, and that the
2 land is chiefly valuable for these deposits, the permittee is entitled
3 to a lease for all or a part of the land embraced in the prospecting
4 permit, at a royalty of five per cent of the quantity or gross value
5 of the output of sulphur at the point of shipment to market. The
6 commissioner may lease lands known to contain valuable deposits of
7 sulphur which are not covered by permits or leases through advertise-
8 ment, competitive bidding, or other methods which he adopts by general
9 regulation. The area covered by the lease may not exceed 2,560 acres.

10 * Sec. 58. AS 38.05.175(a) is amended to read:

11 (a) Subject to AS 41.04 and under [UNDER] rules and regulations
12 prescribed by the commissioner, the commissioner may grant a pros-
13 pecting permit to a qualified applicant. The permit gives the appli-
14 cant the exclusive right to prospect for chlorides, sulphates,
15 carbonates, borates, silicates, or nitrates of potassium, in lands
16 belonging to the state, for a period not exceeding two years. The
17 area included in a permit may not exceed 2,560 acres of land in reason-
18 ably compact form. Upon showing to the satisfaction of the commis-
19 sioner that valuable deposits of potassium compounds have been dis-
20 covered by the permittee within the area covered by his permit, and
21 that the land is chiefly valuable for these deposits, the permittee
22 is entitled to a lease for all or a part of the land embraced in the
23 prospecting permit, at a royalty of not less than two per cent of
24 the quantity or gross value of the output of potassium compounds and
25 other related products, except sodium, at the point of shipment to
26 market. The commissioner may lease lands known to contain valuable
27 deposits of potassium compounds which are not covered by permits or
28 leases through advertisement, competitive bidding, or other methods
29 as he adopts by general regulation. The area covered by the lease may

1 not exceed 2,560 acres.

2 * Sec. 59. AS 38.05.130(a), (h), (j), (k), (l), and (r) are amended to
3 read:

4 (a) Subject to AS 41.04, all [ALL] tide and submerged lands,
5 mental health lands, school lands, and university lands shall be
6 leased by competitive bidding, and whenever oil or gas is discovered
7 in commercial quantities, the commissioner shall determine the extent
8 of the area of lands in addition to tide, submerged, mental health
9 lands, school, or university lands in the same general area of the
10 discovery well which, by reason of the discovery, the commissioner
11 reasonably believes to be capable of producing oil or gas, and the
12 additional lands shall be leased to the highest responsible qualified
13 bidder by competitive bidding under general regulations, in units
14 of not exceeding 2,560 acres (except that tide and submerged lands
15 shall be leased in units of not exceeding 5,760 acres), which shall
16 be as nearly compact in form as possible, upon the payment by the
17 lessee of such bonus as may be accepted by the commissioner and of
18 such royalty as may be fixed in the lease which shall not be less than
19 12 1/2 per cent in amount or value of the production removed or sold
20 from the lease. All lands other than those above provided to be
21 leased by competitive bidding may be leased competitively or non-
22 competitively as determined by the commissioner to be in the best
23 interests of the state. Noncompetitive leases shall be issued in
24 units of not exceeding 2,560 acres in any one lease. Noncompetitive
25 leases shall be conditioned upon the payment by the lessee of a
26 royalty of 12 1/2 per cent in amount or value of the production re-
27 moved or sold from the lease. Competitive leases issued under this
28 subsection shall be for 10 years except that in the Cook Inlet sedi-
29 mentary basin, leases shall be for a primary term of not more than

1 10 years and not less than five years at the discretion of the com-
2 missioner, and shall continue so long thereafter as oil or gas is
3 produced in paying quantities. Noncompetitive leases issued under
4 this subsection shall be for a primary term of five years and shall
5 continue so long thereafter as oil or gas is produced in paying
6 quantities. If drilling has commenced on the expiration date of the
7 primary term of the lease and is continued with reasonable diligence,
8 such operations to include redrilling, sidetracking or other means
9 necessary to reach the originally proposed bottom hole location, the
10 lease shall continue in effect until 90 days after drilling has
11 ceased and for so long thereafter as oil or gas is produced in paying
12 quantities. If all or part of the lands covered by the lease are
13 lands that have been selected by the state under laws of the United
14 States granting lands to the state and a patent has not been issued
15 on them, a conditional lease may be issued. However, no term exten-
16 sion may be granted for the period during which the lease was
17 conditional.

18 (h) If lands described in the offer for a federal lease are
19 covered by nontidal water and are excluded from the federal lease on
20 the basis of navigability, the state shall, subject to AS 41.04 and
21 upon application within 60 days after notice of the exclusion, if
22 not previously filed, grant a preference lease for the areas excluded,
23 carrying the same provisions as an ordinary state lease on the same
24 lands, except that the term of the state lease shall conform in all
25 respects to that of the adjoining federal lease including extended
26 terms. The state shall issue a shorelands preference lease where a
27 federal lease has been issued before March 31, 1960, and application
28 is made to the state before July 1, 1960. Where a federal lessee or
29 offeror failed before January 3, 1959, to file a proper application

1 for a preference right under the Act of July 3, 1958, he may apply for
2 a state preference lease under this section, subject to the rights of
3 intervening applicants.

4 (j) Upon timely application as provided by regulation and sub-
5 ject to AS 41.04, the state shall issue to the holder of a federal
6 lease a state shorelands lease covering land within the exterior
7 boundaries of the federal lease which has been excluded on the basis
8 of navigability or which are later administratively or judicially
9 determined to be "shorelands." The term of every shoreland lease
10 shall conform to that of the adjacent federal lease including extended
11 terms. The authority of the state to classify the lands as competi-
12 tive or noncompetitive shall not be impaired.

13 (k) Instead of the foregoing procedure, the federal lessee or
14 his assignee may, at his option, exercise his preference right for a
15 state lease on the shorelands included within the exterior boundaries
16 of his federal lease by applying to the [DIVISION OF LANDS,] Department
17 of Natural Resources. If, at the time of applying, the lands are
18 classified as noncompetitive, the state, subject to AS 41.04, shall,
19 upon application, issue a lease covering whatever shorelands are
20 included within the exterior boundaries of the federal lease. If, at
21 the time of applying, the shorelands included in the federal lease are
22 classified as competitive lands, the lands shall be leased by competi-
23 tive bidding. The competitive lease shall be issued to the federal
24 lessee or his assignee upon payment to the state of an amount equal to
25 the highest bid for the lease, plus the rental for the first year,
26 payment to be made within 10 days after the lessee's or assignee's
27 receipt of written notice from the commissioner [DIRECTOR OF THE
28 DIVISION OF LANDS] of the amount of the highest bid. These leases,
29 whether competitive or noncompetitive, shall carry the same conditions

1 as an ordinary state lease on the same lands, except that the term
2 of the state lease shall conform to that of the adjoining federal
3 lease, including extended terms, and shall terminate if the federal
4 lease is terminated for any reason. The lease shall provide for
5 annual rental at the rate of \$100 a unit of 640 acres or part thereof
6 of the lands included within the federal lease until agreement is
7 reached between the state and the Secretary of the Interior of the
8 United States, or his authorized representative, as to the actual area
9 of the shorelands included in the federal lease, and as to the
10 apportionment between the state and federal government of the rental
11 theretofore paid under the federal lease.

12 (1) The lease of a record lessee of a federal oil and gas lease
13 who filed, or whose predecessor in interest filed, between July 3,
14 1958, and January 3, 1959, a proper preference right application under
15 the Act of July 3, 1958, (72 Stat. 322) to have included in the
16 lease the shorelands within the exterior boundaries of the lease and
17 which lease or any part of it has terminated or failed as to the
18 shorelands due to mispayment of or failure to pay the required rental
19 as to the shorelands in advance of the anniversary date of the federal
20 lease, shall be revived and reinstated as to the shorelands upon pay-
21 ment to the Bureau of Land Management of the United States Department
22 of the Interior or to the state of all rental payable as to the shore-
23 lands under the lease since January 3, 1959. The rights under this
24 section terminate 60 days after receipt of notice from the commissioner
25 [DIRECTOR], but not later than March 31, 1961. Nothing herein oper-
26 ates to extend a lease beyond its stated term.

27 (r) To avoid waste or to promote conservation of natural re-
28 sources, the commissioner, subject to AS 41.04, may authorize the sub-
29 surface storage of oil or gas whether or not produced from state lands,

1 in lands leased or subject to lease under this section. This authori-
2 zation may provide for the payment of a storage fee or rental on the
3 stored oil or gas, or, instead of the fee or rental, for a royalty
4 other than that prescribed in the lease when the stored oil or gas is
5 produced in conjunction with oil or gas not previously produced. A
6 lease on which storage is so authorized shall be extended at least for
7 the period of storage and so long thereafter as oil or gas not previ-
8 ously produced is produced in paying quantities.

9 * Sec. 60. AS 38.05.185(a) is amended to read:

10 (a) The acquisition and continuance of rights in and to deposits
11 on state lands of minerals which on January 3, 1959, were subject to
12 location under the mining laws of the United States shall be governed
13 by secs. 185 - 280 of this chapter. Nothing in secs. 185 - 280 of
14 this chapter affects the law pertaining to the acquisition of rights
15 to mineral deposits owned by any other person or government. The
16 [DIRECTOR, WITH THE APPROVAL OF THE] commissioner, shall determine
17 those lands from which mineral deposits may be mined only under lease,
18 and, subject to the limitations of sec. 300 of this chapter, those
19 lands which shall be closed to mining.

20 * Sec. 61. AS 38.05.205(a) and (c) are amended to read:

21 (a) Prior discovery, location and filing shall initiate prior
22 rights to mineral deposits subject to secs. 185 - 280 of this chapter
23 in or on state lands, other than submerged lands, which are open to
24 mining leasing. Locations shall be made and certificates of location
25 recorded in accordance with sec. 195 of this chapter. If the located
26 lands are available only for leasing, an application form for a
27 mining lease shall be mailed to the locator by the commissioner
28 [DIRECTOR] upon request or upon receipt of notice that the location
29 has been made on lands open only for leasing. A lease application

1 shall be filed with the commissioner [DIRECTOR] by the locator within
2 90 days after receipt of the form. If the located lands are not
3 available for leasing, notice shall be given the locator by the
4 commissioner [DIRECTOR] and his prior rights shall terminate. A min-
5 ing lessee has the exclusive rights of possession and extraction of
6 all minerals subject to secs. 185 - 280 of this chapter lying within
7 the boundaries of his lease. Mining leases may be issued for one
8 location or for a group of contiguous locations held in common.
9 Minerals may not be mined and marketed or used until a lease is issued,
10 except for limited amounts necessary for sampling or testing.

11 (c) A mining lease shall be for any period up to 55 years, and
12 the lessee has a right to a new lease at the end of each lease period.
13 The commissioner may make reasonable adjustments of the rental rate at
14 the end of each 20 year period, based upon changed conditions in
15 production costs and markets. A valid mining claim located and held
16 under sec. 195 of this chapter may be converted to a lease at any time
17 upon application by the owner, and issuance by the commissioner
18 [DIRECTOR]. No rights granted by a mining lease may be exercised
19 until the lease has been filed for record in the recording district
20 where the land is located.

21 * Sec. 62. AS 38.05.245(a) and (c) are amended to read:

22 (a) Subject to AS 41.04 and before [BEFORE] the discovery of
23 valuable minerals, an exclusive right to prospect by geophysical, geo-
24 chemical and similar methods may be acquired by marking boundaries
25 and posting a notice of location of a prospecting site in a manner and
26 containing such information as the commissioner requires. A pros-
27 pecting site may not exceed 2,640 feet in its longest dimension and
28 its boundaries shall run in the four cardinal directions. A certifi-
29 cate of location shall be filed for record in the recording district

1 where the prospecting site is located within 90 days after posting the
2 notice of location, and a copy of the certificate shall also be
3 mailed to the commissioner [DIRECTOR] within the 90 day period. The
4 locator of a prospecting site has the exclusive right to stake mining
5 claims or leasehold locations within the boundaries of his site.

6 (c) No person may locate more than six prospecting sites in one
7 calendar year in one recording district. A prospecting site remains
8 in effect for one year after the notice of location is posted and may,
9 at the discretion of the commissioner [DIRECTOR], be extended for one
10 year periods. During each year, work of a type compatible with the
11 purpose of this section and acceptable to the commissioner [DIRECTOR]
12 shall be done. The minimum expenditure for the work shall be estab-
13 lished by the commissioner uniformly for all prospecting sites.
14 Where adjacent prospecting sites are held in common the expenditure
15 may be made on any one or more locations. If a prospecting site
16 expires, neither the locator nor his successor in interest may again
17 locate the same prospecting site or any portion of it, as a prospecting
18 site, for a period of two years following the date of expiration or
19 abandonment; nor may he, during the two years, either directly or
20 indirectly, obtain a beneficial interest in the same prospecting site
21 or a portion of it.

22 * Sec. 63. AS 38.05.250(a) and (b) are amended to read:

23 (a) Subject to AS 41.04, the [THE] exclusive right to prospect
24 for deposits of minerals subject to secs. 185 - 275 of this chapter
25 in or on tide and submerged state lands may be granted by a permit
26 issued by the commissioner [DIRECTOR]. Permits shall be granted to
27 the first qualified applicant. No permit may include an area larger
28 than 2,560 acres, subject to the rule of approximation. Lands subject
29 to a prospecting permit shall be as compact in form as possible taking

1 into consideration the area involved. The term of the permit shall be
2 10 years. Prospecting permits shall be conditioned upon payment of
3 rental against which credit shall be given for useful expenditures on
4 land covered by the permit or group of contiguous permits under common
5 ownership or assignment. The rental shall be \$1 per acre for the
6 first two-year period of the permit, payable at the end of the period,
7 and \$1 per acre for each year thereafter, payable at the end of each
8 year. No minerals from lands under a prospecting permit may be mined
9 and marketed or used, except for limited amounts necessary for sampling
10 or testing.

11 (b) Upon discovery, the right to possess and extract the minerals
12 may be acquired by noncompetitive lease. A noncompetitive lease
13 shall be granted to a holder of a prospecting permit for so much of
14 the land subject to the permit as is shown to the satisfaction of the
15 commissioner [DIRECTOR] to contain workable mineral deposits. Sub-
16 merged lands containing known deposits of minerals subject to secs.
17 185 - 275 of this chapter may, in the discretion of the commissioner
18 [DIRECTOR], be offered by competitive bid. These lands shall be
19 leased to the responsible qualified person offering the highest amount
20 of cash bonus.

21 * Sec. 64. AS 38.05.255 is amended to read:

22 Sec. 38.05.255. SURFACE USE. Surface uses of land or waters
23 included within mining properties by owners of those properties shall
24 be limited to those necessary for the prospecting for, extraction of,
25 or basic processing of mineral deposits and shall be subject to
26 AS 41.04 and reasonable concurrent uses. Subject to AS 41.04, permits
27 [PERMITS] for millsites and tailings disposal may be granted by the
28 commissioner [DIRECTOR]. The permits shall be conditioned upon pay-
29 ment of a reasonable charge for the use and continuance of the limited

1 use. Timber from lands open to mining without lease, except timber-
2 lands, may be used by a mining claimant or prospecting site locator
3 for the mining or development of his location or adjacent claims under
4 common ownership. On other lands, timber may be acquired as provided
5 elsewhere in this chapter. Use of water shall be made in accordance
6 with sec. 260 of this chapter and rules and regulations adopted under
7 it or in accordance with any law amending or superseding that section.

8 * Sec. 65. AS 38.05.265 is amended to read:

9 Sec. 38.05.265. ABANDONMENT. Failure to (1) properly file for
10 record a certificate of location or a statement of annual labor, or
11 (2) file with the commissioner [DIRECTOR] within the time prescribed
12 a lease application or a copy of a prospecting site location certifi-
13 cate, or (3) pay rental or receive credit for rental, or (4) keep
14 location boundaries clearly marked, all as required by this article
15 and by regulations adopted under secs. 185 - 280 of this chapter, con-
16 stitutes abandonment of all rights acquired under the mining lease,
17 location, or site involved, and it is subject to relocation by others.
18 If a location is not relocated by another person within one year after
19 such failure, or, in the case of a prospecting site, two years, the
20 locator or claimant of the abandoned location, or his successor in
21 interest, may return to relocate it as though it had never been lo-
22 cated. A statement of annual labor which does not accurately set out
23 the essential facts is void and of no effect.

24 * Sec. 66. AS 38.05.270 is amended to read:

25 Sec. 38.05.270. TRANSFERS. The sale, lease or other transfer
26 of mining property or interest in mining property shall be recorded or
27 shall be approved by the commissioner [DIRECTOR] in compliance with
28 such regulations as the commissioner may adopt. The heirs and assigns
29 of mining property or interest in mining property have the same rights

1 and duties as their predecessors.

2 * Sec. 67. AS 38.05.275 is amended to read:

3 Sec. 38.05.275. RECOGNITION OF LOCATIONS. Mining locations made
4 on state lands, including shorelands, tidelands or submerged lands,
5 or state selected lands, under secs. 185 - 280 of this chapter or in
6 the manner described in AS 27.10.010 - 27.10.240 acquire for the
7 locator mining rights under secs. 185 - 280 of this chapter, subject
8 to existing claims and to any denial of or restriction in the tenta-
9 tive approval of state selection or the patent of the lands to the
10 state. If shorelands, tidelands or submerged lands are included in a
11 mining location or within the projected boundaries of a mining location
12 made in accordance with this section, the locator is required to file
13 a certificate of location with the commissioner [DIVISION OF LANDS]
14 within 90 days following the date of posting the notice of location,
15 in addition to filing a certificate of location as required by sec.
16 195 of this chapter. The certificate of location must identify the
17 position of the mining location in the system of rectangular or
18 protracted surveys.

19 * Sec. 68. AS 38.05.295 is repealed.

20 * Sec. 69. AS 38.05.330 is amended to read:

21 Sec. 38.05.330. PERMITS. The director, with [WITHOUT] the prior
22 approval of the commissioner, may issue permits, rights-of-way or
23 easements on state lands for secondary roads, trails, ditches, pipe-
24 lines, telephone and transmission lines, log storage, oil well drill-
25 ing sites and production facilities for the purposes of recovering
26 minerals from adjacent lands under valid lease, and other similar
27 uses or improvements, or for the limited personal use of timber or
28 materials. The commissioner, upon recommendation of the director,
29 shall establish a reasonable rate or fee schedule to be charged for

1 these uses. In the granting, suspension or revocation of a permit or
2 easement of lands, the director shall give preference to that use of
3 the land which will be of greatest economic benefit to the state and
4 the development of its resources. However, first preference shall be
5 granted to the upland owner for the use of a tract of tideland, or
6 tideland and contiguous submerged land, which is seaward of the up-
7 land property of the upland owner and which is needed by the upland
8 owner for any of the purposes for which the use may be granted.

9 * Sec. 70. AS 38.05.348(a) is amended to read:

10 (a) The director [OF THE DIVISION OF LANDS] may make grants of
11 state land to persons and municipal corporations to replace land which
12 is rendered unusable by a natural disaster for the purposes for which
13 it was used before the natural disaster. The director shall design-
14 ate state land which is available to replace land rendered unusable.

15 * Sec. 71. AS 38.05.365(3) is amended to read:

16 (3) "commissioner" means the commissioner of the Department
17 of Environmental Affairs as used in AS 38.05.005 - AS 38.05.130 and
18 AS 38.05.290 - AS 38.05.348 and "commissioner" means the commissioner
19 of the Department of Natural Resources as used in AS 38.05.135 -
20 AS 38.05.285;

21 * Sec. 72. AS 38.05.365(4) is amended to read:

22 (4) "department" means the Department of Environmental
23 Affairs as used in AS 38.05.005 - AS 38.05.130 and AS 38.05.290 -
24 AS 38.05.348 and "department" means the Department of Natural Resources
25 as used in AS 38.05.135 - AS 38.05.285;

26 * Sec. 73. AS 38.05.365(5) is amended to read:

27 (5) "director" means the director of the division of land
28 planning and classification, Department of Environmental Affairs
29 [LANDS OF THE DEPARTMENT OF NATURAL RESOURCES];

1 * Sec. 74. AS 38.07.010(a) is amended to read:

2 (a) The commissioner, subject to AS 41.04, may select areas of
3 state land classified as agricultural and contract for the land to
4 be cleared or drained or both at state expense. In this selection
5 and contracting, the commissioner shall be guided by the recommenda-
6 tions of the U. S. Soil Conservation Service in addition to the
7 Department of Environmental Affairs.

8 * Sec. 75. AS 38.07.030(a) is amended to read:

9 (a) An owner of agricultural land, or a lessee of [FROM THE]
10 state [OF] agricultural land, in the general vicinity of the land
11 to be cleared or drained under sec. 10(a) of this chapter may apply
12 to the commissioner to have his land cleared or drained or both along
13 with the state land. The applicant's land, subject to AS 41.04,
14 shall be included in the contract of land to be cleared or drained
15 if, in the discretion of the commissioner, the inclusion is feasible
16 and furthers the agricultural policies of the division.

17 * Sec. 76. AS 38.10.010 is amended to read:

18 Sec. 38.10.010. APPLICATION FOR TRANSFER. Upon application by
19 a municipal corporation with a population of less than 5,000 persons
20 according to the latest United States census entitled to a conveyance
21 of tide and submerged lands under AS 38.05.320(b), the director [OF
22 THE DIVISION OF LANDS OF THE DEPARTMENT OF NATURAL RESOURCES] may
23 make or provide for the making of surveys that may be required for the
24 transfer of tide and submerged lands to the municipal corporation, and
25 as may be required for subsequent conveyance of the tide and submerged
26 lands by the municipal corporation to occupants of those lands who
27 hold preference rights. When the application by the municipal corpora-
28 tion is accepted, the governing body of the municipal corporation
29 shall execute a contract on a form approved by the attorney general

1 providing for the survey under the sole management and supervision of
2 the director and for repayment according to the provisions of this
3 chapter.

4 * Sec. 77. AS 38.10.050 is amended to read:

5 Sec. 38.10.050. RULES, REGULATIONS AND PROCEDURES. The commis-
6 sioner [OF NATURAL RESOURCES], upon recommendation of the director,
7 may establish reasonable procedures and adopt reasonable rules and
8 regulations necessary to carry out this chapter.

9 * Sec. 78. AS 38.10 is amended by adding a new section to read:

10 Sec. 38.10.060. DEFINITIONS. In this chapter

11 (1) "commissioner" means the commissioner of the Department
12 of Environmental Affairs;

13 (2) "director" means the director of the division of land
14 planning and classification, Department of Environmental Affairs.

15 * Sec. 79. AS 38.30.320 is amended to read:

16 Sec. 38.30.320. CONTRACTS WITH THE ALASKA DIVISION OF LAND
17 PLANNING AND CLASSIFICATION [LANDS]. A native group may contract with
18 the director of land planning and classification [STATE DIVISION OF
19 LANDS] for the management of land; however, no sale, lease, exchange
20 or other disposal of this land may be made without the approval of
21 the governing body of the native group. The contract may cover all
22 or a portion of the land of the native group, shall be terminable upon
23 reasonable notice by either party, and shall provide for the terms of
24 management by reference to law or regulation or otherwise. The
25 Department of Environmental Affairs [NATURAL RESOURCES] is authorized
26 to receive and expend, subject to appropriation, funds necessary to
27 carry out its functions under this section.

28 * Sec. 80. AS 41 03 is repealed.

29 * Sec. 81. AS 41.05.020 is amended to read:

1 Sec. 41.05.020. COLLECTION, RECORDING, DISTRIBUTION AND USE OF
2 HYDROLOGICAL DATA. The Department of Environmental Affairs [HEALTH
3 AND WELFARE] has the following powers and duties:

4 (1) collect, record, evaluate, and distribute data on the
5 quantity, quality and location of underground, surface and coastal
6 waters of the state;

7 (2) publish or have published data on the waters of the
8 state;

9 (3) require the filing with it of the results and findings
10 of surveys of water quality, quantity and location, including water
11 well drilling logs, pumping tests, flow measurements, type of aquifer,
12 tidal currents and physical characteristics, and volume determinations;

13 (4) accept and expend funds for the purposes of secs. 10 -
14 30 of this chapter and enter into agreements with individuals, public
15 or private agencies, communities, private industry, state agencies and
16 agencies of the federal government.

17 * Sec. 82. AS 41.05.030 is amended to read:

18 Sec. 41.05.030. REGULATIONS BY DEPARTMENT OF ENVIRONMENTAL AFFAIRS
19 [HEALTH AND WELFARE]. The Department of Environmental Affairs [HEALTH
20 AND WELFARE] may adopt regulations relating to and providing for the
21 systematic collection, recording and distribution of data on the waters
22 of the state.

23 * Sec. 83. AS 41.10.110 is amended to read:

24 Sec. 41.10.110. POWERS OF COMMISSIONER OF NATURAL RESOURCES
25 RELATING TO SOIL CONSERVATION. The commissioner of natural resources,
26 subject to AS 41.04, has the power to

27 (1) conduct land capability surveys and investigations of
28 potential agricultural areas and of soil conservation and erosion
29 control, including necessary preventative and control measures, in

1 the state; to publish the results of these surveys and investigations
2 and to disseminate information concerning the results of the surveys
3 and investigations to prospective settlers and the general public;

4 (2) make technical guidance and other assistance available
5 to settlers of new land to assure the development of the land in a
6 manner that will permit it to be used in accordance with its
7 capabilities and treated in accordance with its needs;

8 (3) carry out measures for soil conservation and erosion
9 control within the district, including engineering operations, methods
10 of cultivation, the growing of vegetation, and changes in use of land,
11 with the consent and cooperation of the land occupier or agency
12 having jurisdiction of the land;

13 (4) cooperate with, furnish assistance to, and enter into
14 agreements with, an occupier of land or agency within the district,
15 subject to the conditions as the board considers necessary to advance
16 the purposes of this chapter;

17 (5) construct, improve, and maintain soil erosion control
18 and conservation structures as are necessary and practical for carrying
19 out the purposes of this chapter;

20 (6) develop comprehensive plans for the conservation of soil
21 and control of soil erosion within the district, cropping programs,
22 tillage practices and changes in land use, and publish plans and
23 information and bring them to the attention of occupiers of lands
24 within the district;

25 (7) accept contributions in money, services, materials, or
26 equipment from the United States or its agencies, from an agency of
27 the state, and from any other source, for use in carrying out the
28 purposes of this chapter.

29 * Sec. 84. AS 41.15.040 is amended to read:

1 Sec. 41.15.040. RIGHT OF ENTRY TO CONTROL AND SUPPRESS FIRES.

2 Upon approval by the commissioner or his authorized agent, employees
3 of the division of land planning and classification [LANDS], or of any
4 organization authorized to prevent, control or suppress fires or
5 destructive agents, and others assisting in the control or suppression
6 of fires upon request of an officer or employee of the United States
7 or the state may at any time enter upon any lands, whether publicly or
8 privately owned, for the purpose of preventing, suppressing or con-
9 trolling forest fires and destructive agents.

10 * Sec. 85. AS 41.15.170(1) is amended to read:

11 (1) "commissioner" means the commissioner of environmental
12 affairs [NATURAL RESOURCES];

13 * Sec. 86. AS 41.15.700(a)(1) is amended to read:

14 (1) solely for the purpose of enforcing this chapter, an
15 employee of the Department of Environmental Affairs [NATURAL RESOURCES]
16 or other person, authorized by the commissioner;

17 * Sec. 87. AS 41.20.020 is amended to read:

18 Sec. 41.20.020. DUTIES OF DEPARTMENT OF ENVIRONMENTAL AFFAIRS
19 [NATURAL RESOURCES]. The Department of Environmental Affairs [NATURAL
20 RESOURCES] shall

21 (1) develop a continuing plan for the conservation and maxi-
22 mum use in the public interest of the scenic, historic, archaeologic,
23 scientific, biological, and recreational resources of the state;

24 (2) plan for and develop a system of state parks and recre-
25 ational facilities, to be established as the legislature authorizes
26 and directs;

27 (3) acquire by gift, purchase, or transfer from state or
28 federal agencies, or from individuals, corporations, partnerships or
29 associations, land necessary, suitable and proper for roadside, picnic,

1 recreational or park purposes;

2 (4) control, develop and maintain state parks and recrea-
3 tional areas;

4 (5) provide for the acquisition, care, control, supervision,
5 improvement, development, extension and maintenance of public recrea-
6 tional lands, and make necessary arrangements, contracts or commitments
7 for the improvement and development of lands acquired under secs. 10 -
8 40 of this chapter;

9 (6) establish, in accordance with the Administrative Proce-
10 dure Act, rules and regulations governing the use and designating
11 incompatible uses within the boundaries of state park and recreational
12 areas to protect the property and to preserve the peace;

13 (7) cooperate with the United States and its agencies and
14 local subdivisions of the state to secure the effective supervision,
15 improvement, development, extension, and maintenance of state parks,
16 state monuments, state historical areas, and state recreational areas,
17 and secure agreements or contracts for the purpose of secs. 10 - 40
18 of this chapter;

19 (8) encourage the organization of state public park and
20 recreational activities in the local political subdivisions of the
21 state;

22 (9) provide for consulting service designed to develop
23 local park and recreation facilities and programs;

24 (10) provide clearing-house services for other state agencies
25 concerned with park and recreation matters; and

26 (11) perform other duties as are prescribed by executive
27 order or by law.

28 * Sec. 88. AS 41.20.040 and 41.20.047 are repealed.

29 * Sec. 89. AS 41.20.050 is amended to read:

1 Sec. 41.20.050. SELECTION OF SITES. The Department of Environ-
2 mental Affairs [PUBLIC WORKS AND THE DEPARTMENT OF NATURAL RESOURCES,
3 JOINTLY,] shall select sites of 100 [TEN] acres or less for their
4 historic or scenic value, or for recreation beaches along waterways,
5 roadside rests for travelers resting, camping, or parking, and deter-
6 mine what facilities are necessary or desirable at these sites. Selec-
7 tion of the sites for roadside rests and recreation beaches shall be
8 based upon the flow of traffic and distances to and between facilities
9 otherwise provided. Insofar as possible, sites shall be located on,
10 or adjacent to, highway rights-of-way and small boat waterways. The
11 department [DEPARTMENT OF NATURAL RESOURCES] may acquire the sites
12 [JOINTLY] selected by grant, gift, purchase, lease, dedication or pre-
13 scription and hold them in the name of the state.

14 * Sec. 90. AS 41.20.060 is amended to read:

15 Sec. 41.20.060. CONSTRUCTION AND MAINTENANCE OF FACILITIES. The
16 Department of Public Works shall [MAY] construct and maintain facilities
17 at scenic sites, recreation beaches or roadside rests as are determined
18 to be necessary and desirable by the Department of Environmental
19 Affairs. Facilities may include, but are not limited to, access roads,
20 camp facilities, including picnic tables, fire places, and toilets,
21 camping areas or other facilities that are considered necessary and
22 desirable for the convenience and benefit of travelers and small boat
23 operators.

24 * Sec. 91. AS 41.20.080 is amended to read:

25 Sec. 41.20.080. SELECTION. The Department of Environmental
26 Affairs [NATURAL RESOURCES], in consultation with the Departments of
27 Fish and Game and Public Works, shall designate a system of wilderness
28 trails and campsites throughout the state. Significant in the selec-
29 tion shall be the scenic, historic, natural, or cultural qualities of

1 the areas through which the trails may pass. The department [DEPART-
2 MENT OF NATURAL RESOURCES] may acquire the trail sites jointly
3 selected by grant, gift, purchase, lease, dedication or prescription
4 and hold them in the name of the state.

5 * Sec. 92. AS 41.20.090 is amended to read:

6 Sec. 41.20.090. UNIFORM MARKER. The commissioner [OF NATURAL
7 RESOURCES] shall establish a uniform marker for the wilderness trails
8 system.

9 * Sec. 93. AS 41.20.100 is amended to read:

10 Sec. 41.20.100. REGULATIONS. The commissioner [OF NATURAL
11 RESOURCES] shall promulgate regulations concerning the use, management,
12 development, and administration of the trails.

13 * Sec. 94. AS 41.20.120 is amended to read:

14 Sec. 41.20.120. ASSISTANCE UNDER LAND AND WATER CONSERVATION FUND
15 ACT OF 1965. The commissioner of environmental affairs [NATURAL
16 RESOURCES] is authorized to consider the feasibility of any form of
17 financial assistance available to the state for the planning, acquisi-
18 tion or development of trails under the Land and Water Conservation
19 Fund Act of 1965.

20 * Sec. 95. AS 41.20.140 is amended to read:

21 Sec. 41.20.140. DESIGNATED STATE LAND AND WATER RESTRICTED TO USE
22 AS PUBLIC RECREATION AREA. The governor may designate by proclamation
23 the state owned land and water and all that acquired in the future by
24 the state, lying within the parcels described in this section, as the
25 Captain Cook State Recreation Area. The proclamation may include the
26 entire area or portions of the area at different times, shall reserve
27 the areas included from all uses incompatible with their primary func-
28 tion as public recreation land and waters, and shall assign them to the
29 department [DEPARTMENT OF NATURAL RESOURCES] for control, development

1 and maintenance. Land covered by secs. 130 - 160 is that within the
2 following described parcels:

3 Section 3; Section 9; NW 1/4, NE 1/4, SW 1/4 and W 1/2 SE 1/4
4 Section 10; W 1/2 W 1/2 Section 15; Section 16; Section 17; all tide-
5 lands abutting the above and all of Stormy Lake, all in Township 8N
6 Range 10W Seward Meridian.

7 * Sec. 96. AS 41.20.150 is amended to read:

8 Sec. 41.20.150. INCOMPATIBLE USE PROHIBITED. The commissioner
9 [OF NATURAL RESOURCES] shall designate by regulation incompatible uses
10 within the boundaries of the Captain Cook State Recreation Area in
11 accordance with sec. 130 of this chapter, and those incompatible uses
12 designated shall be prohibited or restricted, as provided by regulation

13 * Sec. 97. AS 41.20.160 is amended to read:

14 Sec. 41.20.160. PURCHASE AUTHORIZED. The commissioner [OF
15 NATURAL RESOURCES] may acquire, by negotiated purchase only in the name
16 of the state, title to or interest in real property lying within the
17 boundaries of the Captain Cook State Recreation Area.

18 * Sec. 98. AS 41.20.180 is amended to read:

19 Sec. 41.20.180. DESIGNATED STATE LANDS AND WATERS RESTRICTED TO
20 USE AS PUBLIC RECREATION AREA. The governor may designate by proclama-
21 tion the state-owned lands and waters and all those acquired in the
22 future by the state, lying within the parcels described in this
23 section, as the Battery Point State Recreation Area. The proclamation
24 may include the entire area or portions of the area at different
25 times, shall reserve the areas included from all uses incompatible
26 with their primary function as public recreation land and waters, and
27 shall assign them to the department [DEPARTMENT OF NATURAL RESOURCES]
28 for control, development and maintenance. Land covered by secs. 170 -
29 190 of this chapter has a total acreage of 2,954.43 acres, including

1 approximately 610 acres of federal land, and is described as follows:

2 (1) U.S.S. 1599: portions of Sections 6, 7 and 8 T31S,
3 R60E, C.R.M., known as Battery Point Light House Reserve;

4 (2) Section 1, T31S, R59E, C.R.M., excluding the portions
5 of Lots 2 and 3 within the Chilkoot Inlet Alaska Subdivision; Section
6 6, T31S, R60E, C.R.M., Lots 1, 2 and 3; Section 7, T31S, R60E, C.R.M.,
7 Lots 1 - 7; Section 8, T31S, R60E, C.R.M., Lot 1; Section 12, T31S,
8 R59E, C.R.M., NW 1/4, NE 1/4, and SE 1/4; Section 17, T31S, R60E,
9 C.R.M.; Section 18, T31S, R60E, C.R.M.; Section 19, T31S, R60E, C.R.M.,
10 NE 1/4 NW 1/4, N 1/2 NE 1/4.

11 * Sec. 99. AS 41.20.190 is amended to read:

12 Sec. 41.20.190. INCOMPATIBLE USE PROHIBITED. The commissioner
13 [OF NATURAL RESOURCES] shall designate by regulation incompatible
14 uses within the boundaries of the Battery Point State Recreation Area
15 in accordance with sec. 170 of this chapter, and those incompatible
16 uses designated shall be prohibited or restricted, as provided by
17 regulation. Nothing herein affects the rights and uses of water and
18 facilities of the city of Haines, Alaska, located within the boundaries
19 of this area.

20 * Sec. 100. AS 41.20.220 is amended to read:

21 Sec. 41.20.220. DESIGNATION OF MANAGEMENT RESPONSIBILITY. The
22 state lands and waters described in sec. 210 of this chapter as the
23 Chugach State Park are assigned to the department [DEPARTMENT OF NATURAL
24 RESOURCES] for control, development and maintenance, except that the
25 Department of Highways is responsible for the repair and maintenance
26 of all existing public roads within the park. The control of highway
27 access and roadside structures within the Chugach State Park is the
28 responsibility of the department [DEPARTMENT OF NATURAL RESOURCES].
29 The Department of Fish and Game shall cooperate with the department

1 [DEPARTMENT OF NATURAL RESOURCES] to provide for those purposes under
2 sec. 210 of this chapter relevant to the duties of the Department of
3 Fish and Game. If, in the exercise of management responsibility under
4 this section, conflicts of land ownership, jurisdiction, or authority
5 are unreconcilable or unmanageable other than at an unreasonable cost
6 and expense to the state, the commissioner after public hearing in
7 accordance with AS 44.62 may modify, subject to the approval of the
8 legislature, the boundaries of the Chugach State Park not to exceed
9 20 per cent of the total acreage described in sec. 210 of this chapter.

10 * Sec. 101. AS 41.20.230 is amended to read:

11 Sec. 41.20.230. INCOMPATIBLE USE PROHIBITED. (a) The commis-
12 sioner [OF NATURAL RESOURCES] shall designate by regulation, adopted
13 in accordance with the Administrative Procedure Act (AS 44.62),
14 incompatible uses within the boundaries of the Chugach State Park in
15 accordance with secs. 200 - 240 of this chapter, and those incompatible
16 uses designated and prohibited or restricted, as provided by regulation.

17 (b) In adopting regulations under this section and in complying
18 with AS 44.62.210, the commissioner [OF NATURAL RESOURCES] shall
19 provide the opportunity for the oral presentation of statements,
20 arguments or contentions.

21 (c) Except for areas within one mile of maintained roads, trails
22 and camp grounds, hunting with a firearm in Chugach State Park when
23 authorized by the Board of Fish and Game under AS 16.05, is not subject
24 to the provisions of AS 11.55.050 which prohibit the discharge of a
25 firearm in a public park.

26 * Sec. 102. AS 41.20.240 is amended to read:

27 Sec. 41.20.240. PURCHASE AUTHORIZED. The commissioner [OF
28 NATURAL RESOURCES] may acquire, by purchase in the name of the state,
29 title to or interest in real property lying within or abutting the

1 boundaries of the Chugach State Park.

2 * Sec. 103. AS 41.20.260(a) is amended to read:

3 (a) The presently state-owned lands and waters, and all those
4 acquired in the future by the state, lying within the parcels described
5 in this section are designated as the Kachemak Bay State Park. In
6 order to protect and preserve these lands and waters for their unique
7 and exceptional scenic value, the park is established and shall be
8 managed as a scenic park. The lands and waters lying within the
9 following described parcels are reserved from all uses incompatible
10 with their primary function as a scenic park and are assigned to the
11 department [DEPARTMENT OF NATURAL RESOURCES] for control, development
12 and maintenance:

13 (1) Township 5 South, Range 10 West, Seward Meridian

14 Chugachik Island

15 (2) Township 6 South, Range 11 West, Seward Meridian

16 (3) Township 7 South, Range 11 West, Seward Meridian

17 Sections 1 - 4

18 Section 5: N 1/2

19 Sections 7 - 36

20 (4) Township 7 South, Range 12 West, Seward Meridian

21 Section 12, except N 1/2 NE 1/4

22 Section 13

23 Sections 19 - 36

24 (5) Township 7 South, Range 13 West, Seward Meridian

25 Sections 25, 26, 35 and 36

26 (6) Township 8 South, Range 11 West, Seward Meridian

27 Sections 1 - 8

28 Section 9: N 1/2

29 Section 10: N 1/2

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Section 11: N 1/2

Section 12: N 1/2

Sections 17 and 18

(7) Township 8 South, Range 12 West, Seward Meridian

(8) Township 8 South, Range 13 West, Seward Meridian

Sections 1 and 2

Sections 10 - 14

Section 15: E 1/2

Section 23: N 1/2 and SE 1/4

Sections 24 and 25

Section 26: E 1/2

Section 35: E 1/2

Section 36

(9) Township 9 South, Range 12 West, Seward Meridian

Sections 1 - 6

Section 8: NE 1/4

Sections 9 - 12

Section 13: N 1/2

Section 14: N 1/2

(10) Township 9 South, Range 13 West, Seward Meridian

Sections 1 and 2

* Sec. 104. AS 41.20.270 is amended to read:

Sec. 41.20.270. INCOMPATIBLE USES PROHIBITED. The commissioner [OF NATURAL RESOURCES] shall designate by regulation incompatible uses within the boundaries of the Kachemak Bay State Park in accordance with the requirements of secs. 250 - 290 of this chapter, and those incompatible uses designated shall be prohibited or restricted, as provided by regulation.

* Sec. 105. AS 41.20.290 is amended to read:

1 Sec. 41.20.290. PURCHASE AUTHORIZED. The commissioner [OF
2 NATURAL RESOURCES] may acquire, by purchase in the name of the state,
3 title to or interest in real property lying within the boundaries of
4 the Kachemak Bay State Park. The state may not acquire by eminent
5 domain privately owned land for inclusion in the Kachemak Bay State
6 Park.

7 * Sec. 106. AS 41.20 is amended by adding a new section to read:

8 Sec. 41.20.900. DEFINITIONS. In this chapter, unless the context
9 requires otherwise

10 (1) "commissioner" means the commissioner of the Department
11 of Environmental Affairs;

12 (2) "department" means the Department of Environmental
13 Affairs;

14 (3) "director" means the director of the division of parks
15 and recreation, Department of Environmental Affairs.

16 * Sec. 107. AS 44.19.360 is amended to read:

17 Sec. 44.19.360. COMPOSITION. The State Geographic Board consists
18 of the director of the Local Affairs Agency, the curator of the state
19 museum, the state historical librarian, the commissioner of the Depart-
20 ment of Highways, the commissioner of the Department of Environmental
21 Affairs [NATURAL RESOURCES], the commissioner of the Department of Edu-
22 cation, the director of the division of land planning and classification
23 [LANDS], and one other person appointed by the governor.

24 * Sec. 108. AS 44.19.410(5) is amended by adding a new paragraph to read:

25 (8) the commissioner of environmental affairs [NATURAL
26 RESOURCES];

27 * Sec. 109. AS 44.37.020 is amended to read:

28 Sec. 44.37.020. DUTIES OF DEPARTMENT WITH RESPECT TO NATURAL
29 RESOURCES. The Department of Natural Resources shall administer the

1 state program for the [CONSERVATION AND] development of natural
2 resources, including [FORESTS, PARKS, AND RECREATIONAL AREAS,] lands,
3 [WATERS,] agriculture, soil conservation and minerals (including
4 petroleum and natural gas), but excluding commercial fisheries, sport
5 fish, game, and fur-bearing animals in their natural state.

6 * Sec. 110. AS 44.45.030 is amended to read:

7 Sec. 44.45.030. COOPERATION WITH THE COMMISSIONERS OF OTHER
8 DEPARTMENTS AND OFFICE OF GOVERNOR. The department, with the approval
9 of the governor, may call upon the commissioners of natural resources,
10 public works, labor, environmental affairs and fish and game for assis-
11 tance and cooperation in carrying out sec. 20(b) of this chapter.

12 * Sec. 111. AS 44.62.330(a)(9) is amended to read:

13 (9) Division of Land Planning and Classification [LANDS]
14 under Alaska Land Act where applicable

15 * Sec. 112. AS 44.62.330(a)(18) is amended to read:

16 (18) Department of Natural Resources and Department of
17 Environmental Affairs, as to functions relating to the conservation of
18 oil and gas

19 * Sec. 113. AS 44.62.330(a)(26) is amended to read:

20 (26) Department of Environmental Affairs [HEALTH AND WEL-
21 FARE], under Radiation Protection Act

22 * Sec. 114. AS 44.62.330(a)(29) is amended to read:

23 (29) Department of Environmental Affairs [HEALTH AND WEL-
24 FARE], under Alaska Water Pollution Control Act

25 * Sec. 115. AS 44.62.330(a)(30) is amended to read:

26 (30) Department of Environmental Affairs [HEALTH AND WEL-
27 FARE], under AS 18.35.010 - 18.35.090, concerning the regulation of
28 tourist and trailer camps, motor courts, and motels

29 * Sec. 116. AS 46.05.160 is amended to read:

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Sec. 46.05.160. CONSTRUCTION OF CERTAIN FACILITIES PROHIBITED.

No person may construct, extend, install or operate a sewage system or treatment works, or any part of a sewage system or treatment works until plans for it are submitted to the department for review, and the department approves them in writing and issues a written permit. [THE DEPARTMENT MAY WAIVE THE REQUIREMENT THAT PLANS BE SUBMITTED TO IT.]

* Sec. 117. AS 46.05.225 is amended to read:

Sec. 46.05.225. ENFORCEMENT. This chapter may be enforced by authorized enforcement agents of the department, any peace officer in the state and by authorized protection officers of the Department of Fish and Game.

* Sec. 118. AS 46.05.230(1) is amended to read:

(1) "department" means the Department of Environmental Affairs [HEALTH AND WELFARE];

* Sec. 119. AS 46.07.080(1) is amended to read:

(1) "commissioner" means the commissioner of environmental affairs [HEALTH AND WELFARE];

* Sec. 120. AS 46.10.010(b) is amended to read:

(b) A person who neglects or refuses to abate the nuisance upon order of a health officer or agent of the department is guilty of a misdemeanor and is punishable as provided in sec. 20 of this chapter. In addition to this punishment, the court shall assess judgment against the defendant for the expense of abating the nuisance. The judgment shall be enforced in the same manner as an execution in a civil action.

* Sec. 121. AS 46.15.010 is amended to read:

Sec. 46.15.010. DETERMINATION OF WATER RIGHTS. The Department of Environmental Affairs [NATURAL RESOURCES] shall determine and adjudicate rights in the waters of the state, and in its appropriation and distribution.

1 * Sec. 122. AS 46.15.020(a)(3) is amended to read:
2 (3) establish a division of water in the department
3 [DEPARTMENT OF NATURAL RESOURCES] and assign to that division the
4 responsibility for carrying out the provisions of this chapter.
5 * Sec. 123. AS 46.15.020(b)(1) is amended to read:
6 (1) adopt procedural and substantive regulations to carry
7 out the provisions of this chapter, taking into consideration the
8 responsibilities of the [DEPARTMENT OF HEALTH AND WELFARE UNDER
9 AS 46.05.010 - 46.05.240 AND THE] Department of Fish and Game under
10 AS 16;
11 * Sec. 124. AS 46.15.040(c) is amended to read:
12 (c) All applications to the commissioner for a permit to appropri-
13 ate water, filed subsequent to the effective date of this chapter,
14 shall be considered as having been simultaneously filed with the
15 Department of Fish and Game under AS 16 [AND THE DEPARTMENT OF HEALTH
16 AND WELFARE UNDER AS 46.05].
17 * Sec. 125. AS 46.15.070(b) is amended to read:
18 (b) The commissioner shall publish the notice at the applicant's
19 expense in one issue of a newspaper of general distribution in the
20 area of the state in which the water is to be appropriated. The com-
21 missioner shall also have notice served personally or by certified mail
22 upon an appropriator of water or applicant for or holder of a permit
23 who, according to the records of the division of land planning and
24 classification [LANDS] may be affected by the proposed appropriation
25 and may serve notice upon any governmental agency, political subdivi-
26 sion or person, provided, however, that notice shall be served upon the
27 Department of Fish and Game [AND THE DEPARTMENT OF HEALTH AND WELFARE].
28 * Sec. 126. AS 46.15.190 is amended to read:
29 Sec. 46.15.190. THE WATER RESOURCES BOARD. There is created the

1 Water Resources Board composed of seven members having a general know-
2 ledge of the use and requirements for use of the waters of the state
3 and the conservation and protection thereof. The commissioner of
4 environmental affairs [NATURAL RESOURCES] shall act as the executive
5 secretary of the board, and shall provide clerical staff for the board.
6 Members of the board are appointed by the governor, subject to confirma-
7 tion by a majority of the members of the legislature in joint session.

8 * Sec. 127. AS 46.15.260(6) is amended to read:

9 (6) "commissioner" means the commissioner of environmental
10 affairs [NATURAL RESOURCES];

11 * Sec. 128. AS 46.15.260(7) is amended to read:

12 (7) "director" means the director of the division of land
13 planning and classification, Department of Environmental Affairs [LANDS,
14 DEPARTMENT OF NATURAL RESOURCES];

15 * Sec. 129. AS 46.15.260 is amended by adding a new paragraph to read:

16 (9) "department" means the Department of Environmental
17 Affairs.

18 * Sec. 130. AS 46.26.030(b) is amended to read:

19 (b) The commissioners of natural resources, fish and game,
20 economic development and environmental affairs [HEALTH AND WELFARE]
21 shall serve as nonvoting ex officio members.

22 * Sec. 131. This Act takes effect on July 1, 1971.
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