

Introduced: 2/2/77
Referred: Resources

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 HOUSE BILL NO. 159

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

9 * Section 1. AS 44 is amended by adding a new chapter to read:

10 CHAPTER 38. DEPARTMENT OF RENEWABLE RESOURCES.

11 Sec. 44.38.010. STATEMENT OF PURPOSE AND POLICY. The legislature
12 finds that renewable resources play a vital role in the economic well-
13 being and general quality of life in the state. Without these resources
14 long-term sustained economic growth would not be possible. Accordingly,
15 the legislature finds it necessary to create a new department in the
16 executive branch which will be responsible for the protection, enhance-
17 ment and development of Alaska's renewable resources.

18 Sec. 44.38.020. COMMISSIONER OF RENEWABLE RESOURCES. The prin-
19 cipal executive officer of the Department of Renewable Resources is the
20 commissioner of renewable resources.

21 Sec. 44.38.030. POWERS AND DUTIES OF THE DEPARTMENT. The depart-
22 ment shall

23 (1) coordinate and develop programs designed to protect and
24 encourage the beneficial use of renewable resources;

25 (2) coordinate and develop programs relating to the pro-
26 tection and development of agriculture;

27 (3) coordinate and develop programs relating to the manage-
28 ment of timber resources;

29 (4) coordinate and develop programs for the management of

1 state parks, recreational areas and historical sites;

2 (5) where considered necessary by the commissioner to protect
3 renewable uses of land, classify land as renewable resource lands and
4 promulgate regulations governing uses of renewable resource land;

5 (6) cooperate with the Department of Natural Resources in the
6 management of land which is valuable for both renewable and nonrenewable
7 uses;

8 (7) cooperate with federal, state and local government agen-
9 cies where necessary to protect and encourage beneficial uses of renew-
10 able resources.

11 Sec. 44.38.040. DUTIES OF DEPARTMENT WITH RESPECT TO AGRICULTURE.
12 The Department of Renewable Resources shall

13 (1) get and distribute information on subjects connected with
14 agriculture;

15 (2) control and regulate the entry and transportation of
16 seeds, plants and other horticultural products;

17 (3) control and eradicate the spread of pests injurious to
18 plants, trees, vegetables, livestock, poultry;

19 (4) aid in developing used and unused agricultural resources;
20 and

21 (5) experiment and determine practical methods of growing,
22 processing, soil analysis, eradication of obnoxious weeds, control of
23 insects, cheaper and more satisfactory methods of land clearing.

24 Sec. 44.38.050. DUTIES OF DEPARTMENT WITH RESPECT TO HISTORIC
25 PRESERVATION AND ARCHEOLOGY. The Department of Renewable Resources
26 shall

27 (1) sponsor, engage in and direct fundamental research into
28 the archeology of the state and encourage and coordinate archeological
29 research and investigation undertaken in the state;

1 (2) cooperate with the Historic Sites Advisory Committee in
2 performing their functions under AS 41.35;

3 (3) ensure that historic, prehistoric and archeological re-
4 sources are properly reported by persons or agencies engaged in public
5 construction work and protect sites and objects of significance dis-
6 covered at state sites or discovered during the course of public con-
7 struction and encourage the protection of sites and objects discovered
8 during the course of any other construction work;

9 (4) investigate reported historic, prehistoric or archeologi-
10 cal resources and appraise them for any future excavation, preservation
11 and interpretation;

12 (5) serve as a central clearinghouse for information on all
13 historic, prehistoric and archeological resource excavation in the
14 state.

15 Sec. 44.38.060. ANNUAL REPORT. The commissioner shall submit to
16 the governor and the legislature an annual report before February 1 of
17 each year. The report shall include the recommendations of the commis-
18 sioner for legislation necessary to develop and maintain the renewable
19 resources of the state.

20 Sec. 44.38.070. DEPARTMENTAL ORGANIZATION. The commissioner may,
21 with the approval of the governor, organize the department into those
22 divisions that can most efficiently perform the functions of the depart-
23 ment.

24 Sec. 44.38.080. DEFINITIONS. in this chapter, "renewable re-
25 sources" means resources which, when properly managed, are capable of
26 producing a sustained yield for an indefinite period of time but does
27 not include commercial fish, sport fish, game and fur bearing animals in
28 their natural state.

29 * Sec. 2. AS 19.05.080 is amended to read:

1 Sec. 19.05.080. ACQUISITION OF LAND, RIGHTS-OF-WAY, AND MATERIALS
2 BY PURCHASE OR EMINENT DOMAIN. Subject to the provisions of AS 38.05.-
3 300(a), (b) and (c), the [THE] department on behalf of the state and as
4 part of the cost of constructing or maintaining a highway may purchase,
5 acquire, take over, or condemn under the right and power of eminent
6 domain land in fee simple or easements which it considers necessary for
7 present public use, either temporary or permanent, or which it considers
8 necessary and reasonable for the public use. By the same means, the
9 department may obtain material, including clay, gravel, sand, or rock,
10 or the land necessary to obtain the material, including access to it.
11 The department may acquire the land or materials notwithstanding the
12 fact that title to it is vested in the state or a department, agency,
13 commission or institution of the state.

14 * Sec. 3. AS 19.30.030(a) is amended to read:

15 (a) Subject to the provisions of AS 38.05.030(a) and (b), the
16 [THE] commissioner of natural resources may approve applications for
17 construction of developmental access roads under secs. 20 - 51 of this
18 chapter.

19 * Sec. 4. AS 19.30.040(a) is amended to read:

20 (a) Upon approval of an application and agreement as to state
21 participation, the applicant resource developer shall submit to the
22 commissioner of natural resources road plans and specifications for the
23 standard of construction he believes to be necessary to develop the
24 mineral resource and protect [THE] fish and game and other renewable
25 resources that may be affected by the road construction. Plans and
26 specifications submitted by each applicant shall be forwarded by the
27 commissioner of natural resources to the commissioner of highways, [AND]
28 the commissioner of fish and game and, when applicable, the commissioner
29 of renewable resources and upon approval by them, the applicant may

1 proceed with construction.

2 * Sec. 5. AS 19.30.070 is amended to read:

3 Sec. 19.30.070. CONTRACTS FOR CONSTRUCTION OF ROADS. Subject to
4 the provisions of AS 38.05.300(a), (b) and (c), the [THE] director of
5 the division of lands may contract with private persons for the construc-
6 tion of roads to and on state lands programmed for surface disposal
7 which are not more than six miles from existing roads or highways.

8 * Sec. 6. AS 35.20.010 is amended to read:

9 Sec. 35.20.010. ACQUISITION OF LAND, RIGHTS-OF-WAY, AND MATERIALS
10 BY PURCHASE OR EMINENT DOMAIN. Subject to the provisions of AS 38.05.-
11 300(a), (b) and (c), the [THE] department, on behalf of the state and as
12 part of the cost of constructing or maintaining a public work, may
13 purchase, acquire, take over, or condemn under the right and power of
14 eminent domain land in fee simple or easements which it considers neces-
15 sary for present public use, either temporary or permanent, or which it
16 considers necessary and reasonable for the public use. By the same
17 means, the department may obtain material including clay, gravel, sand,
18 or rock, or the land necessary to obtain the material, and the necessary
19 land or easements to provide access to it. The department may acquire
20 the land or material notwithstanding the fact that the title to it is in
21 the state or a department, agency, commission or institution of the
22 state.

23 * Sec. 7. AS 38.05.020(c) is amended to read:

24 (c) Subject to the provisions of sec. 300(a), (b) and (c) of this
25 chapter, the [THE] commissioner of renewable resources has all powers
26 necessary and proper to implement the policy, purposes, and provisions
27 of the Alaska Right-of-Way Leasing Act of 1972 (AS 38.35), so as to sub-
28 serve, as he in the exercise of his reasoned discretion determines, the
29 public interest, convenience and necessity, including but not limited to

1 (1) granting leases of state land for pipeline right-of-way
2 purposes;

3 (2) leasing, purchasing, or otherwise acquiring (including
4 condemning by declaration of taking), easements or other interests in
5 land in this state for the purpose of utilizing or granting leases of
6 the land, easements or interests for pipeline right-of-way purposes;

7 (3) purchasing interests in pipelines in accordance with op-
8 tions included in right-of-way leases;

9 (4) investigating any matters concerning any lessee with a
10 view to assuring compliance by it with its right-of-way lease, this
11 chapter, and any other applicable state or federal law;

12 (5) developing from time to time and maintaining a comprehen-
13 sive master plan for pipeline transportation development;

14 (6) developing and promoting programs to foster efficient,
15 economical, and safe pipeline transportation services in the state;

16 (7) coordinating the activities of the commissioner under
17 this Act with the transportation and other relevant activities of other
18 public agencies and authorities;

19 (8) constructing, extending, enlarging, improving, repairing,
20 acquiring, operating, or engaging in transportation, service, or sale by
21 any pipeline or providing for these by contract, lease, or other ar-
22 rangement on those terms that the commissioner may consider necessary,
23 convenient or desirable with any agency, corporation, or person, in-
24 cluding but not limited to any carrier or any state agency, when the
25 commissioner determines that a lessee carrier is not willing to under-
26 take and complete the action within a reasonable time, and to sell,
27 lease, grant, and dispose of any property constructed or acquired in the
28 exercise of this power.

29 * Sec. 8. AS 38.05.027(a) is amended to read:

1 (a) Consistent with their [HIS] authority under law, the commis-
2 sioners of natural resources and renewable resources [COMMISSIONER],
3 after determining that the agreement is in the best interests of the
4 public and the state, may enter into cooperative resource management or
5 development agreements affecting resources under their respective regu-
6 latory jurisdictions with the federal government, a state agency, a vil-
7 lage or municipality, or a person as defined in AS 01.10.060(7).
8 Specific guidelines to protect the state and public interest shall be
9 established, if necessary, by the responsible commissioner before
10 entering into an agreement under this section.

11 * Sec. 9. AS 38.05.030(b) is amended to read:

12 (b) Except for sec. 300(a), (b) and (c) of this chapter, the [THE]
13 provisions of this chapter do not apply to any power, duty or authority
14 now or in the future granted to the Department of Public Works and the
15 Department of Highways in the name of the state, to acquire, use, lease,
16 dispose of, or exchange real property, or any interest in real property.
17 Lands assigned by the division of lands to the Department of Public
18 Works and the Department of Highways shall be returned to the management
19 of the division of lands when they are no longer needed for the purposes
20 assigned.

21 * Sec. 10. AS 38.05.035(a)(13) is amended to read:

22 (13) select, administer, and dispose of mental health lands
23 for the support of the mental health program except that no mental
24 health lands may be disposed of without the approval of a board composed
25 of the director of the division of mental health, chairman of the Mental
26 Health Advisory Council, the commissioner of renewable resources, and
27 the commissioner of revenue;

28 * Sec. 11. AS 38.05.037 is amended to read:

29 Sec. 38.05.037. ZONING REGULATIONS IN THE UNORGANIZED BOROUGH TO

1 FACILITATE FEDERAL LAND SALES. (a) In areas of the unorganized borough
2 where there is no political subdivision of the state with a zoning
3 power, the Department of Renewable Resources [DIVISION OF LANDS] shall
4 exercise the zoning power by adopting zoning regulations.

5 (b) The Department of Renewable Resources [DIVISION OF LANDS]
6 shall exercise its zoning power within federal lands in the unorganized
7 borough only at the times and in the areas it is requested to do so by
8 the Secretary of the Interior to facilitate sales of federal lands with-
9 in the unorganized borough under Public Law 88-608, 78 Stat. 988.

10 (c) Any zoning done by the Department of Renewable Resources
11 [DIVISION OF LANDS] under (b) of this section is final unless disap-
12 proved by concurrent resolution at the next regular session of the
13 legislature.

14 * Sec. 12. AS 38.05.069(a) is amended to read:

15 (a) If the commissioner of renewable resources [DIRECTOR] deter-
16 mines that the highest and best use of unoccupied land is for agricul-
17 tural purposes, and if he determines that it is in the best interests of
18 the state to sell or lease the land, the director of the division of
19 lands [HE] shall grant to an Alaskan resident owning and using or
20 leasing and using land for agricultural purposes a 60-day first option
21 after the date of the auction to purchase or lease unoccupied land
22 situated adjacent to or in the approximate vicinity of his presently
23 held land for the amount of the high bid received at public auction;
24 provided the aggregate number of acres owned and acquired under the
25 option shall not exceed 320 acres; and further provided that the land
26 acquired under this section is used for agricultural purposes as re-
27 quired by law.

28 * Sec. 13. AS 38.05.110 is amended to read:

29 Sec. 38.05.110. SALE OF TIMBER AND MATERIALS. The commissioner

1 of renewable resources [DIRECTOR] shall provide for cruises of timber
2 and appraisals of other materials in or upon lands and transmit this
3 data to the commissioner of natural resources, together with his recom-
4 mendations with respect to (1) the timber and other materials which
5 should be offered for sale, and (2) the terms of sale of the timber or
6 other materials.

7 * Sec. 14. AS 38.05.115(a) is amended to read:

8 (a) The commissioner of natural resources, upon recommendation of
9 the commissioner of renewable resources [DIRECTOR], shall determine the
10 timber and other materials to be sold, and the limitations, conditions
11 and terms of sale. The limitations, conditions and terms shall include
12 the utilization, development and maintenance of the sustained yield
13 principle, subject to preference among other beneficial uses. The
14 director may negotiate sales of timber or materials without advertise-
15 ment and on the limitations, conditions, and terms which he considers
16 are in the best interests of the state, subject to the approval of the
17 commissioner of renewable resources. However, not more than 500 M.B.M.
18 or equivalent other measure of timber or more than \$5,000 of materials
19 may be sold by nonadvertised, negotiated sale to the same purchaser
20 within a one-year period.

21 * Sec. 15. AS 38.05.120 is amended to read:

22 Sec. 38.05.120. DISPOSAL PROCEDURE. Timber and other materials
23 shall be sold either by sealed bids or public auction, depending on
24 which method is determined by the commissioner of natural resources to
25 be in the best interests of the state, to the highest qualified bidder
26 as determined by the director. An aggrieved bidder may appeal to the
27 commissioner within five days after the sale for a review of the direc-
28 tor's determination. The sale shall be conducted by the director or his
29 representative, and at the time of sale the successful bidder shall de-

1 posit the amount specified in the terms of sale. The means by which the
2 amount of deposit is determined shall be prescribed by appropriate regu-
3 lation. The director or his representative shall immediately issue a
4 receipt containing a description of the timber or materials purchased,
5 the price bid, and the terms of sale. The receipt shall be acknowledged
6 in writing by the bidder. A contract of sale, on a form approved by the
7 attorney general, shall be signed by the purchaser and, following the
8 approval of the commissioner, the contract shall be signed by the direc-
9 tor on behalf of the state. The director, with the approval of the
10 commissioner of renewable resources, may impose conditions, limitations,
11 and terms which he considers necessary and proper to protect the in-
12 terests of the state. Violation of any provision of this chapter or the
13 terms of the contract of sale subjects the purchaser to appropriate
14 legal action.

15 * Sec. 16. AS 38.05.145(a) is amended to read:

16 (a) Deposits of coal, phosphates, oil shale, sodium, potassium,
17 oil, gas, geothermal resources and state lands containing these deposits
18 are subject to disposition under rules and regulations, recommended by
19 the director and adopted by the commissioner, and the provisions of
20 secs. 145 - 181 and 300 of this chapter. In applying the acreage limi-
21 tations the commissioner may apply the rule of approximation. The uses
22 of the rule of approximation made before March 31, 1960, by the com-
23 missioner are ratified.

24 * Sec. 17. AS 38.05.181(c) is amended to read:

25 (c) Authority. (1) Under the provisions of this section and
26 subject to secs. 135 - 145 and 300 of this chapter, where applicable and
27 not in conflict with this section, the commissioner may issue prospect-
28 ing permits and leases for the exploration, discovery, development,
29 utilization, extraction and removal of geothermal resources in or from

1 state lands administered by him.

2 (2) Rights to develop and utilize geothermal resources under-
3 lying lands owned by the State of Alaska may be acquired solely in
4 accordance with the provisions of this section.

5 (3) The commissioner shall prescribe those regulations he
6 considers appropriate to carry out the provisions of this section. The
7 regulations may include [, WITHOUT LIMITATION,] provisions for

8 (A) the prevention of waste,

9 (B) development and conservation of geothermal and other
10 natural resources,

11 (C) the protection of the public interest,

12 (D) assignment, segregation, extension of terms, relin-
13 quishment of leases, development contracts, unitization, pooling,
14 and drilling agreements,

15 (E) compensatory royalty agreements, suspension of
16 operations or production, and suspension or reduction of rentals or
17 royalties,

18 (F) the filing of surety bonds to assure compliance with
19 the terms of the lease and to protect surface use and resources,

20 (G) use of the surface by a lessee or permittee of the
21 lands embraced in his lease or permit except that the provisions
22 may not conflict with regulations adopted by the commissioner of
23 renewable resources under sec. 300(c) of this chapter,

24 (H) the maintenance by the lessee of an active develop-
25 ment program, and

26 (I) protection of water quality and other environmental
27 qualities.

28 * Sec. 18. AS 38.05.185(a) is amended to read:

29 (a) The acquisition and continuance of rights in and to deposits

1 on state lands of minerals which on January 3, 1959, were subject to
2 location under the mining laws of the United States shall be governed by
3 secs. 185 - 280 of this chapter. Nothing in secs. 185 - 280 of this
4 chapter affects the law pertaining to the acquisition of rights to
5 mineral deposits owned by any other person or government. The director,
6 with the approval of the commissioner, shall determine those lands from
7 which mineral deposits may be mined only under lease, and, subject to
8 the limitations of sec. 300(d) [300] of this chapter, those lands which
9 shall be closed to mining.

10 * Sec. 19. AS 38.05.295 is amended to read:

11 Sec. 38.05.295. PARKS AND RECREATION AREAS. The commissioner of
12 renewable resources shall establish a policy and prescribe rules and
13 regulations by which parks and recreation areas, including public scenic
14 overlooks and cultural sites, shall be developed and managed in a manner
15 that will best serve the interests of the people of the state. The
16 commissioner may classify public lands as parks, scenic overlooks,
17 cultural sites and recreation areas as long as the general intent of
18 this chapter is maintained.

19 * Sec. 20. AS 38.05.300 is repealed and re-enacted to read:

20 Sec. 38.05.300. CLASSIFICATION OF LAND. (a) The director shall
21 make a preliminary classification for surface use of all land in areas
22 where he considers it necessary and proper for future development. The
23 classification, together with a land use plan, shall be transmitted to
24 the commissioner of renewable resources for his review. He shall
25 approve the land use plan and classification or prepare and attach his
26 objections or additions to them and forward the plan and classification
27 to the commissioner of natural resources for his approval, modification,
28 or rejection.

29 (b) All land shall be classified before disposal, including the

1 disposal of minerals. The commissioner of natural resources shall, by
2 regulations adopted in accordance with the Administrative Procedure Act
3 (AS 44.62), establish the classification of land for surface use. No
4 disposition of land may be ordered before the effective date of the
5 regulations required by this subsection.

6 (c) For the purpose of minimizing damage to renewable resource
7 land, the commissioner of renewable resources shall adopt regulations in
8 accordance with the Administrative Procedure Act (AS 44.62), governing
9 any activity which in his judgment has the potential for causing damage
10 to renewable uses of land. In adopting regulations the commissioner
11 shall seek the advice and cooperation of the Department of Natural
12 Resources, the Department of Highways, and the Department of Public
13 Works.

14 (d) This section does not prevent reclassification of land where
15 the public interest warrants reclassification, nor does it preclude
16 multiple-purpose use of land whenever different uses are compatible. No
17 state land, water, or land and water area shall, except by act of the
18 state legislature, be closed to multiple-purpose use if the area in-
19 volved contains more than 640 acres.

20 * Sec. 21. AS 38.05 is amended by adding a new section to read:

21 Sec. 38.05.302. SUITS TO ENJOIN VIOLATIONS. (a) When in the
22 judgment of the commissioner of renewable resources a person has vio-
23 lated or is about to violate the provisions of sec. 300(a), (b) and (c)
24 of this chapter, the attorney general, on advice of the commissioner,
25 shall seek appropriate judicial relief from a court having jurisdiction
26 to remedy the violation.

27 (b) Neither this section nor the state's obtaining an injunction
28 extinguishes a civil cause of action or criminal responsibility arising
29 out of a violation of this chapter.

1 * Sec. 22. AS 38.05.325 is amended to read:

2 Sec. 38.05.325. HOMESTEAD ENTRY. The director, with the approval
3 of the commissioner and subject to regulations adopted under sec. 300(c)
4 of this chapter, may authorize homestead entry on lands not under
5 grazing lease or otherwise appropriated and which are classified as
6 renewable resource lands [AGRICULTURAL LANDS OR GRAZING LANDS], if they
7 are not school lands, mental health lands or lands conveyed to the state
8 by the federal government for the specific purpose of producing revenue.

9 * Sec. 23. AS 38.05.330 is amended to read:

10 Sec. 38.05.330. PERMITS. Subject to the provisions of sec. 300(a),
11 (b) and (c) of this chapter, the [THE] director, without the prior
12 approval of the commissioner, may issue permits, rights-of-way or ease-
13 ments on state land for secondary roads, trails, ditches, field gather-
14 ing lines or transmission and distribution pipelines not subject to
15 AS 38.35, telephone and transmission lines, log storage, oil well drill-
16 ling sites and production facilities for the purposes of recovering
17 minerals from adjacent lands under valid lease, and other similar uses
18 or improvements, or for the limited personal use of timber or materials.
19 The commissioner, upon recommendation of the director, shall establish a
20 reasonable rate or fee schedule to be charged for these uses. In the
21 granting, suspension or revocation of a permit or easement of lands, the
22 director shall give preference to that use of the land which will be of
23 greatest economic benefit to the state and the development of its re-
24 sources. However, first preference shall be granted to the upland owner
25 for the use of a tract of tideland, or tideland and contiguous submerged
26 land, which is seaward of the upland property of the upland owner and
27 which is needed by the upland owner for any of the purposes for which
28 the use may be granted.

29 * Sec. 24. AS 38.05.365 is amended by adding a new paragraph to read:

1 (22) "renewable resource land" means land which, when properly
2 managed, is capable of producing a sustained yield for an indefinite
3 period of time but does not include land the sole value of which is
4 related to commercial fish, sport fish, game and fur bearing animals in
5 their natural state.

6 * Sec. 25. AS 38.07.060(3) is amended to read:

7 (3) "commissioner" means the commissioner of the Department
8 of Renewable [NATURAL] Resources.

9 * Sec. 26. AS 38.35.020 is amended by adding a new subsection to read:

10 (c) Rights-of-way on state owned land classified as renewable
11 resource land shall be granted in accordance with regulations adopted
12 under AS 38.05.300(c).

13 * Sec. 27. AS 38.35.100(a)(1) is amended to read:

14 (1) the proposed use of the right-of-way will unreasonably
15 conflict with existing or potential uses of the land involving a superi-
16 or public interest;

17 * Sec. 28. AS 38.35.120(d)(1) is amended to read:

18 (1) prevent conflicts with other existing or potential uses
19 of the land involving a superior public interest;

20 * Sec. 29. AS 38.50.040 is amended to read:

21 Sec. 38.50.040. LAND SUBJECT TO EXCHANGE. Except as otherwise
22 provided in this chapter, the director is authorized to convey for
23 purposes of exchange any state land or interest in land regardless of
24 the authority under which the land or interest was obtained by the
25 state. The conveyance of university land and school land shall be
26 approved in the manner prescribed in AS 38.05.030, and the conveyance of
27 mental health land shall be approved in the manner prescribed in AS
28 38.05.035(a)(13) [BY A BOARD COMPOSED OF THE DIRECTOR OF THE DIVISION OF
29 MENTAL HEALTH, THE CHAIRMAN OF THE MENTAL HEALTH ADVISORY COUNCIL, AND

1 THE COMMISSIONER OF REVENUE].

2 * Sec. 30. AS 38.50.050 is amended to read:

3 Sec. 38.50.050. CONVEYANCE OF MINERAL RIGHTS. Subject to the
4 requirements of this chapter and AS 38.05.300(a) - (c), the director is
5 authorized to exchange mineral rights in state land to the extent that
6 the conveyance is authorized by the state constitution and applicable
7 federal law. The director may not exchange or receive the surface
8 estate of land or the mineral rights in it, one without the other,
9 unless the separation of estate is necessitated by a prior separation of
10 ownership or by restrictions in applicable law, or the director other-
11 wise finds that the conveyance or receipt of the surface or mineral
12 estates, one without the other, is necessary to achieve a significant
13 public purpose.

14 * Sec. 31. AS 38.50.090(a) is amended to read:

15 (a) During the negotiation of a land exchange, the director shall
16 consult with other departments and other divisions of the Department of
17 Natural Resources relative to matters which are within their jurisdic-
18 tion. If land under the jurisdiction of a state agency other than the
19 Department of Natural Resources may be involved in a proposed exchange,
20 the director shall afford the head of that agency an opportunity to par-
21 ticipate in the discussions respecting the land. Land classified for
22 use consistent with the sustained yield of renewable resources may not
23 be exchanged without the prior review, comment, and approval of the
24 commissioner of renewable resources.

25 * Sec. 32. AS 44.15.010 is amended by adding a new paragraph to read:

26 (18) Department of Renewable Resources

27 * Sec. 33. 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 resources,
2 including [FORESTS, PARKS, AND RECREATIONAL AREAS,] lands, waters,
3 [AGRICULTURE, SOIL CONSERVATION] and minerals (including petroleum and
4 natural gas), but excluding commercial fisheries, sport fish, game, and
5 fur-bearing animals in their natural state.

6 * Sec. 34. TRANSFER OF FUNCTIONS. (a) The Department of Renewable
7 Resources is vested with the duties, powers and responsibilities formerly
8 exercised and held by the Department of Natural Resources in respect to agri-
9 culture, forestry, parks, recreational areas and historical sites.

10 (b) The powers, duties and responsibilities of the following agencies
11 are transferred to the Department of Renewable Resources:

- 12 (1) division of agriculture, Department of Natural Resources;
- 13 (2) division of parks, Department of Natural Resources.

14 (c) Supervision of the following agencies are transferred from the
15 Department of Natural Resources to the Department of Renewable Resources:

- 16 (1) Soil Conservation Board;
- 17 (2) Historical Sites Advisory Committee.

18 (d) Appropriations, records, equipment and other property of depart-
19 ments and divisions referred to in (a) and (b) of this section are trans-
20 ferred to the Department of Renewable Resources.

21 (e) Appropriations and other money available to and to become available
22 to a department, division, agency or commission, the functions, powers and
23 duties of which have been transferred to the department established under
24 this Act, shall be available for the objects and purposes for which appropri-
25 ated or otherwise made available, subject to terms, restrictions, limitations
26 or other requirements imposed under this section or other state and federal
27 law.

28 (f) Regulations, rules, orders or other Acts in effect with respect to
29 a department, division, agency or commission transferred to the department

1 under this section shall continue in full force and effect until amended,
2 repealed, modified or rescinded as the commissioner of renewable resources
3 determines in accordance with law. Existing contracts made by a department,
4 division or agency transferred to the Department of Renewable Resources under
5 this section shall continue in full force and effect until amended, repealed,
6 modified or rescinded as the commissioner of renewable resources determines
7 in accordance with law. Existing contracts made by a department, division or
8 agency transferred to the department under this Act remain in effect accor-
9 ding to the terms of the contracts.

10 (g) The powers, duties and functions transferred to the department
11 under this section are in addition to and not derogated by the powers, duties
12 and functions otherwise vested in the department under this Act.

13 (h) All references in AS 03 to the Department of Natural Resources, the
14 commissioner of natural resources, the division of agriculture, and the
15 director of the division of agriculture shall be read as the Department of
16 Renewable Resources and the commissioner of renewable resources, respective-
17 ly, in order to carry out the intent and purpose of this Act. All references
18 to the Department of Natural Resources and the commissioner of natural
19 resources in AS 41.10, AS 41.15 - 41.20, and AS 41.35 shall be read as the
20 Department of Renewable Resources and the commissioner of renewable resources,
21 respectively.

22 * Sec. 35. AS 03.19.070 and AS 44.37.030 - 44.37.040 are repealed.

23 * Sec. 36. This Act takes effect on January 1, 1978.
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