

Introduced: 1/15/79  
Referred: Resources and  
State Affairs

1 IN THE SENATE

BY KERTTULA

2 SENATE BILL NO. 13

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH 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 adopt 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) gather and distribute information on subjects connected  
14 with 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  
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) - (c) the [THE] department on behalf of the state and as part of  
4 the cost of constructing or maintaining a highway may purchase, acquire,  
5 take over, or condemn under the right and power of eminent domain land  
6 in fee simple or easements which it considers necessary for present  
7 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 19.30.040(a) is amended to read:

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

26 \* Sec. 4. AS 35.20.010 is amended to read:

27           Sec. 35.20.010. ACQUISITION OF LAND, RIGHTS-OF-WAY, AND MATERIALS  
28 BY PURCHASE OR EMINENT DOMAIN. Subject to the provisions of AS 38.05.-  
29 300(a) - (c) the [THE] department, on behalf of the state and as part of

1 the cost of constructing or maintaining a public work, may purchase,  
2 acquire, take over, or condemn under the right and power of eminent  
3 domain land in fee simple or easements which it considers necessary for  
4 present public use, either temporary or permanent, or which it considers  
5 necessary and reasonable for the public use. By the same means, the  
6 department may obtain material including clay, gravel, sand, or rock, or  
7 the land necessary to obtain the material, and the necessary land or  
8 easements to provide access to it. The department may acquire the land  
9 or material notwithstanding the fact that the title to it is in the  
10 state or a department, agency, commission or institution of the state.

11 \* Sec. 5. AS 38.05.027(a) is amended to read:

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

22 \* Sec. 6. AS 38.05.030(b) is amended to read:

23 (b) Except for AS 38.05.300(a) - (c) of this chapter, the [THE]  
24 provisions of this chapter do not apply to any power, duty or authority  
25 now or in the future granted to the Department of Transportation and  
26 Public Facilities [PUBLIC WORKS AND THE DEPARTMENT OF HIGHWAYS] in the  
27 name of the state, to acquire, use, lease, dispose of, or exchange real  
28 property, or any interest in real property. Lands assigned by the  
29 division of lands to the Department of Transportation and Public

1 Facilities [PUBLIC WORKS AND THE DEPARTMENT OF HIGHWAYS] shall be  
2 returned to the management of the division of lands when they are no  
3 longer needed for the purposes assigned.

4 \* Sec. 7. AS 38.05.069(a) is amended to read:

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

18 \* Sec. 8. AS 38.05.110 is amended to read:

19 Sec. 38.05.110. SALE OF TIMBER AND MATERIALS. The director  
20 of the division of land, forest and water management shall provide for  
21 cruises of timber and appraisals of other materials in or upon lands and  
22 transmit this data to the commissioner of renewable resources, together  
23 with his recommendations with respect to (1) the timber and other  
24 materials which should be offered for sale, and (2) the terms of sale of  
25 the timber or other materials.

26 \* Sec. 9. AS 38.05.115(a) is repealed and re-enacted to read:

27 (a) The commissioner of renewable resources, with the concurrence  
28 of the commissioner of natural resources, shall determine the timber and  
29 other materials to be sold which are located on state land not

1 designated as a state forest. The commissioner of renewable resources  
2 shall also set the limitations, conditions and terms of sale. The  
3 limitations, conditions and terms shall include the utilization,  
4 development and maintenance of the sustained yield principle, subject to  
5 preference among other beneficial uses. The state forester may  
6 negotiate sales of timber or materials without advertisement and on the  
7 limitations, conditions, and terms which he considers are in the best  
8 interests of the state, subject to the approval of the commissioner of  
9 renewable resources. However, not more than 500 M.B.M. or equivalent  
10 other measure of timber or more than 25,000 cubic yards of materials may  
11 be sold by nonadvertised, negotiated sale to the same purchaser within a  
12 one-year period.

13 \* Sec. 10. AS 38.05.120 is amended to read:

14       Sec. 38.05.120. DISPOSAL PROCEDURE. Timber and other materials  
15 shall be sold either by sealed bids or public auction, depending on  
16 which method is determined by the commissioner of renewable resources to  
17 be in the best interests of the state, to the highest qualified bidder  
18 as determined by the state forester [DIRECTOR]. An aggrieved bidder may  
19 appeal to the commissioner of renewable resources within five days after  
20 the sale for a review of the state forester's [DIRECTOR'S] determination.  
21 The sale shall be conducted by the state forester [DIRECTOR] or his  
22 representative, and at the time of sale the successful bidder shall de-  
23 posit the amount specified in the terms of sale. The means by which the  
24 amount of deposit is determined shall be prescribed by appropriate regu-  
25 lation. The state forester [DIRECTOR] or his representative shall  
26 immediately issue a receipt containing a description of the timber or  
27 materials purchased, the price bid, and the terms of sale. The receipt  
28 shall be acknowledged in writing by the bidder. A contract of sale, on  
29 a form approved by the attorney general, shall be signed by the

1 purchaser and, following the approval of the commissioner of renewable  
2 resources, the contract shall be signed by the state forester [DIRECTOR]  
3 on behalf of the state. The state forester [DIRECTOR], with the  
4 approval of the commissioner of renewable resources, may impose condi-  
5 tions, limitations, and terms which he considers necessary and proper to  
6 protect the interests of the state. Violation of any provision of this  
7 chapter or the terms of the contract of sale subjects the purchaser to  
8 appropriate legal action.

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

10 (a) Deposits of coal, phosphates, oil shale, sodium, potassium,  
11 oil, gas, geothermal resources and state lands containing these deposits  
12 are subject to disposition under rules and regulations, recommended by  
13 the director and adopted by the commissioner, and the provisions of AS  
14 38.05.145 - 38.05.181 and 38.05.300. In applying the acreage limi-  
15 tations the commissioner may apply the rule of approximation. The uses  
16 of the rule of approximation made before March 31, 1960, by the com-  
17 missioner are ratified.

18 \* Sec. 12. AS 38.05.181(c) is amended to read:

19 (c) Authority. (1) Under the provisions of this section and  
20 subject to AS 38.05.135 - 38.05.145 and 38.05.300, where applicable and  
21 not in conflict with this section, the commissioner may issue prospect-  
22 ing permits and leases for the exploration, discovery, development,  
23 utilization, extraction and removal of geothermal resources in or from  
24 state lands administered by him.

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

28 (3) The commissioner shall prescribe [THOSE] regulations he  
29 considers appropriate to carry out the provisions of this section. The

1 regulations may include [, WITHOUT LIMITATION,] provisions for

2 (A) the prevention of waste,

3 (B) development and conservation of geothermal and other  
4 natural resources,

5 (C) the protection of the public interest,

6 (D) assignment, segregation, extension of terms, relin-  
7 quishment of leases, development contracts, unitization, pooling,  
8 and drilling agreements,

9 (E) compensatory royalty agreements, suspension of  
10 operations or production, and suspension or reduction of rentals or  
11 royalties,

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

14 (G) use of the surface by a lessee or permittee of the  
15 lands embraced in his lease or permit except that the provisions  
16 may not conflict with regulations adopted by the commissioner of  
17 renewable resources under AS 38.05.300(c),

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

20 (I) protection of water quality and other environmental  
21 qualities.

22 \* Sec. 13. AS 38.05.185(a) is amended to read:

23 (a) The acquisition and continuance of rights in and to deposits  
24 on state lands of minerals which on January 3, 1959, were subject to  
25 location under the mining laws of the United States shall be governed by  
26 AS 38.05.185 - 38.05.280. Nothing in AS 38.05.185 - 38.05.280 affects  
27 the law pertaining to the acquisition of rights to mineral deposits  
28 owned by any other person or government. The director, with the  
29 approval of the commissioner, shall determine those lands from which

1 mineral deposits may be mined only under lease, and, subject to the  
2 limitations of AS 38.05.300(d) [AS 38.05.300], those lands which shall  
3 be closed to mining.

4 \* Sec. 14. AS 38.05.295 is amended to read:

5 Sec. 38.05.295. PARKS AND RECREATION AREAS. The commissioner of  
6 renewable resources shall establish a policy and prescribe [RULES AND]  
7 regulations by which parks and recreation areas, including public scenic  
8 overlooks and cultural sites, shall be developed and managed in a manner  
9 that will best serve the interests of the people of the state. The  
10 commissioner may classify public lands as parks, scenic overlooks,  
11 cultural sites and recreation areas as long as the general intent of  
12 this chapter is maintained.

13 \* Sec. 15. AS 38.05.300 is repealed and re-enacted to read:

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

23 (b) All land shall be classified before disposal, including the  
24 disposal of minerals. The commissioner of natural resources shall, by  
25 regulations adopted in accordance with the Administrative Procedure Act  
26 (AS 44.62), establish the classification of land for surface use. No  
27 disposition of land may be ordered before the effective date of the  
28 regulations required by this subsection.

29 (c) For the purpose of minimizing damage to renewable resource

1 land, the commissioner of renewable resources shall adopt regulations in  
2 accordance with the Administrative Procedure Act (AS 44.62), governing  
3 any activity which in his judgment has the potential for causing damage  
4 to renewable uses of land. In adopting regulations the commissioner  
5 shall seek the advice and cooperation of the Department of Natural  
6 Resources and the Department of Transportation and Public Facilities.

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

13 \* Sec. 16. AS 38.05 is amended by adding a new section to read:

14 Sec. 38.05.302. SUITS TO ENJOIN VIOLATIONS. (a) When in the  
15 judgment of the commissioner of renewable resources a person has vio-  
16 lated or is about to violate the provisions of AS 38.05.300(a) - (c),  
17 the attorney general, on advice of the commissioner, may seek appropriate  
18 judicial relief from a court having jurisdiction to remedy the viola-  
19 tion.

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

23 \* Sec. 17. AS 38.05.325 is amended to read:

24 Sec. 38.05.325. HOMESTEAD ENTRY. The director, with the approval  
25 of the commissioner and subject to regulations adopted under AS 38.05.-  
26 300(c), may authorize homestead entry on lands not under grazing lease  
27 or otherwise appropriated and which are classified as renewable resource  
28 lands [AGRICULTURAL LANDS OR GRAZING LANDS], if they are not school  
29 lands [, MENTAL HEALTH LANDS] or lands conveyed to the state by the

1 federal government for the specific purpose of producing revenue.

2 \* Sec. 18. AS 38.05.330 is amended to read:

3 Sec. 38.05.330. PERMITS. Subject to the provisions of AS 38.05.-  
4 300(a) - (c), the [THE] director, without the prior approval of the  
5 commissioner, may issue permits, rights-of-way or easements on state  
6 land for secondary roads, trails, ditches, field gathering lines or  
7 transmission and distribution pipelines not subject to AS 38.35, tele-  
8 phone and transmission lines, log storage, oil well drilling sites and  
9 production facilities for the purposes of recovering minerals from  
10 adjacent lands under valid lease, and other similar uses or improve-  
11 ments, or for the limited personal use of timber or materials. The  
12 commissioner, upon recommendation of the director, shall establish a  
13 reasonable rate or fee schedule to be charged for these uses. In the  
14 granting, suspension or revocation of a permit or easement of lands, the  
15 director shall give preference to that use of the land which will be of  
16 greatest economic benefit to the state and the development of its re-  
17 sources. However, first preference shall be granted to the upland owner  
18 for the use of a tract of tideland, or tideland and contiguous submerged  
19 land, which is seaward of the upland property of the upland owner and  
20 which is needed by the upland owner for any of the purposes for which  
21 the use may be granted.

22 \* Sec. 19. AS 38.05.365 is amended by adding a new paragraph to read:

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

28 \* Sec. 20. AS 38.07.060(3) is amended to read:

29 (3) "commissioner" means the commissioner of the Department

1 of Renewable [NATURAL] Resources.

2 \* Sec. 21. AS 38.35.020 is amended by adding a new subsection to read:

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

6 \* Sec. 22. AS 38.35.100(a)(1) is amended to read:

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

10 \* Sec. 23. AS 38.35.120(d)(1) is amended to read:

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

13 \* Sec. 24. AS 38.50.050 is amended to read:

14 Sec. 38.50.050. CONVEYANCE OF MINERAL RIGHTS. Subject to the  
15 requirements of this chapter and AS 38.05.300(a) - (c), the director is  
16 authorized to exchange mineral rights in state land to the extent that  
17 the conveyance is authorized by the state constitution and applicable  
18 federal law. The director may not exchange or receive the surface  
19 estate of land or the mineral rights in it, one without the other,  
20 unless the separation of estate is necessitated by a prior separation of  
21 ownership or by restrictions in applicable law, or the director other-  
22 wise finds that the conveyance or receipt of the surface or mineral  
23 estates, one without the other, is necessary to achieve a significant  
24 public purpose.

25 \* Sec. 25. AS 38.50.090(a) is amended to read:

26 (a) During the negotiation of a land exchange, the director shall  
27 consult with other departments and other divisions of the Department of  
28 Natural Resources relative to matters which are within their jurisdic-  
29 tion. If land under the jurisdiction of a state agency other than the

1 Department of Natural Resources may be involved in a proposed exchange,  
2 the director shall afford the head of that agency an opportunity to par-  
3 ticipate in the discussions respecting the land. Land classified for  
4 use consistent with the sustained yield of renewable resources may not  
5 be exchanged without the prior review, comment, and approval of the  
6 commissioner of renewable resources.

7 \* Sec. 26. AS 41.17.020(a) is amended to read:

8 (a) The governor shall establish, within the Department of  
9 Renewable [NATURAL] Resources, a division of forest, land, and water  
10 management to carry out this chapter and other appropriate duties  
11 designated by the governor. The division shall be headed by a director  
12 who shall be the state forester, appointed to the partially exempt  
13 service in accordance with law by the commissioner, from a list of two  
14 or more candidates submitted by the board. The commissioner may reject  
15 all candidates, in which case the board shall submit a new list. The  
16 state forester shall be a natural resources land manager with generally  
17 accepted educational credentials, familiar and experienced with the  
18 renewable and nonrenewable resources and values of forest land and the  
19 products, benefits, and services obtained from them.

20 \* Sec. 27. AS 41.17.030(a) is amended to read:

21 (a) The division shall manage state forests and, as directed by  
22 the commissioner, provide technical advice to the division of lands  
23 in the Department of Natural Resources on sound forest practices  
24 necessary to ensure the continuous growing and harvesting of commercial  
25 forest species on other state land.

26 \* Sec. 28. AS 41.17.040(a) is amended to read:

27 (a) The Board of Forestry is established in the Department of  
28 Renewable [NATURAL] Resources, division of forest, land, and water  
29 management.

1 \* Sec. 29. AS 41.17.070(c)(4) is amended to read:

2 (4) make recommendations to the legislature respecting the  
3 legal authority of the Department of Renewable [NATURAL] Resources  
4 relating to forestry, the qualifications of the director of the divi-  
5 sion, and the location of the division within the department.

6 \* Sec. 30. AS 41.17.950(3) and (4) are amended to read:

7 (3) "commissioner" means the commissioner of renewable  
8 [NATURAL] resources;

9 (4) "department" means the Department of Renewable [NATURAL]  
10 Resources;

11 \* Sec. 31. AS 39.25.120(10) is amended to read:

12 (10) the state forester, in the Department of Renewable  
13 [NATURAL] Resources.

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

15 (18) Department of Renewable Resources

16 \* Sec. 33. AS 44.37.020 is amended to read:

17 Sec. 44.37.020. DUTIES OF DEPARTMENT WITH RESPECT TO NATURAL  
18 RESOURCES. The Department of Natural Resources shall administer the  
19 state program for the conservation and development of natural resources,  
20 including [FORESTS, PARKS, AND RECREATIONAL AREAS,] lands, waters,  
21 [AGRICULTURE, SOIL CONSERVATION] and minerals (including petroleum and  
22 natural gas), but excluding state forests, parks and recreational areas,  
23 agriculture, commercial fisheries, sport fish, game, and fur-bearing  
24 animals in their natural state.

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

29 (b) The powers, duties and responsibilities of the following agencies

1 are transferred to the Department of Renewable Resources:

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

4 (c) Supervision of the following is transferred from the Department of  
5 Natural Resources to the Department of Renewable Resources:

- 6 (1) Soil Conservation Board;  
7 (2) Historical Sites Advisory Committee.

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

11 (e) Appropriations and other money available to and to become available  
12 to a department, division, agency or commission, the functions, powers and  
13 duties of which have been transferred to the department established under  
14 this Act, shall be available for the objects and purposes for which appropri-  
15 ated or otherwise made available, subject to terms, restrictions, limitations  
16 or other requirements imposed under this section or other state and federal  
17 law.

18 (f) Regulations, rules, orders or other Acts in effect with respect to  
19 a department, division, agency or commission transferred to the department  
20 under this section shall continue in full force and effect until amended,  
21 repealed, modified or rescinded as the commissioner of renewable resources  
22 determines in accordance with law. Existing contracts made by a department,  
23 division or agency transferred to the Department of Renewable Resources under  
24 this section shall continue in full force and effect until amended, repealed,  
25 modified or rescinded as the commissioner of renewable resources determines  
26 in accordance with law. Existing contracts made by a department, division or  
27 agency transferred to the department under this Act remain in effect accor-  
28 ding to the terms of the contracts.

29 (g) The powers, duties and functions transferred to the department

1 under this section are in addition to and not derogated by the powers, duties  
2 and functions otherwise vested in the department under this Act.

3 (h) All references in AS 03 to the Department of Natural Resources, the  
4 commissioner of natural resources, the division of agriculture, and the  
5 director of the division of agriculture shall be read as the Department of  
6 Renewable Resources and the commissioner of renewable resources in order to  
7 carry out the intent and purpose of this Act. All references to the  
8 Department of Natural Resources and the commissioner of natural resources in  
9 AS 41.10, AS 41.15 - 41.20, and AS 41.35 shall be read as the Department of  
10 Renewable Resources and the commissioner of renewable resources, respectively.

11 \* Sec. 35. AS 44.37.030 - 44.37.040 are repealed.

12 \* Sec. 36. This Act takes effect on January 1, 1980.

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