

Introduced: 2/23/81  
Referred: Resources and  
Finance

1 IN THE SENATE

BY KERTTULA

2 SENATE BILL NO. 201

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to land use management; creating the  
7 Department of Renewable Resources; and providing for  
8 an effective date."

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

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

11 CHAPTER 38. DEPARTMENT OF RENEWABLE RESOURCES.

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

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

22 Sec. 44.38.030. POWERS AND DUTIES OF THE DEPARTMENT. The Depart-  
23 ment of Renewable Resources shall

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

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

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

1 (4) coordinate and develop programs for the management of  
2 state parks, recreational areas and historical sites;

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

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

9 (7) cooperate with federal, state, and local government  
10 agencies when necessary to protect and encourage beneficial uses of  
11 renewable resources.

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

14 (1) gather and distribute information on subjects connected  
15 with agriculture;

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

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

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

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

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

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

1 research and investigation undertaken in the state;

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

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

10 (4) investigate reported historic, prehistoric, or archeo-  
11 logical resources and appraise them for any future excavation, preserva-  
12 tion, and interpretation;

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

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

21 Sec. 44.38.070. DEPARTMENTAL ORGANIZATION. The commissioner of  
22 renewable resources may, with the approval of the governor, organize  
23 the department into divisions that can most efficiently perform the  
24 functions of the department.

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

1 \* Sec. 2. AS 19.05.080 is amended to read:

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

15 \* Sec. 3. AS 19.30.040(a) is amended to read:

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

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

28       Sec. 35.20.010. ACQUISITION OF LAND, RIGHTS-OF-WAY, AND MATERIALS  
29 BY PURCHASE OR EMINENT DOMAIN. Subject to the provisions of AS 38.05.-

1 300(a) - (c) the [THE] department, on behalf of the state and as part  
2 of the cost of constructing or maintaining a public work, may purchase,  
3 acquire, take over, or condemn under the right and power of eminent  
4 domain land in fee simple or easements which it considers necessary for  
5 present public use, either temporary or permanent, or which it considers  
6 necessary and reasonable for the public use. By the same means, the  
7 department may obtain material including clay, gravel, sand, or rock,  
8 or the land necessary to obtain the material, and the necessary land or  
9 easements to provide access to it. The department may acquire the land  
10 or material notwithstanding the fact that the title to it is in the  
11 state or a department, agency, commission or institution of the state.

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

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

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

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

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

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

6 (a) If the commissioner of renewable resources [DIRECTOR] deter-  
7 mines that the highest and best use of unoccupied land is for agri-  
8 cultural purposes, and if he determines that it is in the best interests  
9 of the state to sell or lease the land, the director of the division of  
10 lands [HE] shall grant to an Alaskan resident owning and using or  
11 leasing and using land for agricultural purposes a 60-day first option  
12 after the date of the auction to purchase or lease the unoccupied land  
13 situated adjacent to or in the approximate vicinity of his presently  
14 held land for the amount of the high bid received at public auction. A  
15 parcel of agricultural land sold under this section may not be less  
16 than 20 acres and a parcel of agricultural land which is acquired by  
17 exercise of the option granted in this subsection may not exceed 320  
18 acres. Agricultural land which is acquired under this section must be  
19 used for agricultural purposes as required by law.

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

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

28 \* Sec. 9. AS 38.05.115(a) is repealed and reenacted to read:

29 (a) The commissioner of renewable resources, with the concurrence

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

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

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

1 the terms of sale. The receipt shall be acknowledged in writing by the  
2 bidder. A contract of sale, on a form approved by the attorney general,  
3 shall be signed by the purchaser and, following the approval of the  
4 commissioner of renewable resources, the contract shall be signed by  
5 the state forester [DIRECTOR] on behalf of the state. The state  
6 forester [DIRECTOR], with the approval of the commissioner of renewable  
7 resources, may impose conditions, limitations, and terms which he  
8 considers necessary and proper to protect the interests of the state.  
9 Violation of any provision of this chapter or the terms of the contract  
10 of sale subjects the purchaser to appropriate legal action.

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

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

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

21 (c) Prospecting Permits. On state land that has not been declared  
22 a competitive geothermal area or withdrawn from geothermal prospecting,  
23 the commissioner may issue a prospecting permit to the first qualified  
24 applicant subject to the provisions of AS 38.05.300. The permit conveys  
25 an exclusive right, for a period of two years, to prospect for geo-  
26 thermal resources on state land included under the permit. The commis-  
27 sioner may, at his discretion, renew the permit for an additional  
28 one-year term. A holder of a prospecting permit has the right, upon  
29 the showing of a discovery of geothermal resources in commercial

1 quantities and the submission of a development plan acceptable to the  
2 commissioner, to convert the permit to a noncompetitive lease at a  
3 royalty rate under (g) of this section. The conversion privilege must  
4 be exercised not later than 30 days after the expiration of the permit.  
5 If the land included within the permit is designated a competitive  
6 geothermal area during the permit term, the permittee must apply for a  
7 noncompetitive lease within 30 days after notification of the designa-  
8 tion or forfeit his conversion privileges and his exclusive right to  
9 prospect.

10 \* Sec. 13. AS 38.05.181(h) is amended to read:

11 (h) Regulations. Regulations adopted by the commissioner to  
12 implement this section shall be adopted in accordance with the Adminis-  
13 trative Procedure Act (AS 44.62). The regulations on the issuance of  
14 prospecting permits under (c) of this section may not conflict with  
15 regulations adopted by the commissioner of renewable resources under  
16 AS 38.05.300(c).

17 \* Sec. 14. AS 38.05.185(a) is amended to read:

18 (a) The acquisition and continuance of rights in and to deposits  
19 on state lands of minerals which on January 3, 1959, were subject to  
20 location under the mining laws of the United States shall be governed  
21 by AS 38.05.185 - 38.05.280. Nothing in AS 38.05.185 - 38.05.280  
22 affects the law pertaining to the acquisition of rights to mineral  
23 deposits owned by any other person or government. The director, with  
24 the approval of the commissioner, shall determine those lands from  
25 which mineral deposits may be mined only under lease, and, subject to  
26 the limitations of AS 38.05.300(d) [AS 38.05.300], those lands which  
27 shall be closed to mining.

28 \* Sec. 15. AS 38.05.295 is amended to read:

29 Sec. 38.05.295. PARKS AND RECREATION AREAS. The commissioner of

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

8 \* Sec. 16. AS 38.05.300 is repealed and reenacted to read:

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

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

24 (c) For the purpose of minimizing damage to renewable resource  
25 land, the commissioner of renewable resources shall adopt regulations  
26 in accordance with the Administrative Procedure Act (AS 44.62), govern-  
27 ing any activity which in his judgment has the potential for causing  
28 damage to renewable uses of land. In adopting regulations the commis-  
29 sioner shall seek the advice and cooperation of the Department of

1 Natural Resources and the Department of Transportation and Public  
2 Facilities.

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

9 \* Sec. 17. AS 38.05 is amended by adding a new section to read:

10 Sec. 38.05.302. SUITS TO ENJOIN VIOLATIONS. (a) When the commis-  
11 sioner of renewable resources determines that a person has violated or  
12 is about to violate the provisions of AS 38.05.300(a) - (c), he may  
13 request the attorney general to seek appropriate judicial relief for  
14 the violation.

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

18 \* Sec. 18. AS 38.05.330(a) is amended to read:

19 (a) Subject to the provisions of AS 38.05.300(a) - (c), the [THE]  
20 director, without the prior approval of the commissioner, may issue  
21 permits, rights-of-way or easements on state land for roads, trails,  
22 ditches, field gathering lines or transmission and distribution pipe-  
23 lines not subject to AS 38.35, telephone or electric transmission and  
24 distribution lines, log storage, oil well drilling sites and production  
25 facilities for the purposes of recovering minerals from adjacent lands  
26 under valid lease, and other similar uses or improvements, or for the  
27 limited personal use of timber or materials. The commissioner, upon  
28 recommendation of the director, shall establish a reasonable rate or  
29 fee schedule to be charged for these uses, subject to the exception for

1 nonprofit cooperative associations specified in (b) of this section.  
2 In the granting, suspension or revocation of a permit or easement of  
3 lands, the director shall give preference to that use of the land which  
4 will be of greatest economic benefit to the state and the development  
5 of its resources. However, first preference shall be granted to the  
6 upland owner for the use of a tract of tideland, or tideland and con-  
7 tiguous submerged land, which is seaward of the upland property of the  
8 upland owner and which is needed by the upland owner for any of the  
9 purposes for which the use may be granted.

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

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

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

17 (3) "commissioner" means the commissioner of the Department  
18 of Renewable [NATURAL] Resources.

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

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

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

24 (1) the proposed use of the right-of-way will unreasonably  
25 conflict with existing or potential uses of the land involving a  
26 superior public interest;

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

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

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

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

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

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

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

25           (a) The governor shall establish, within the Department of  
26 Renewable [NATURAL] Resources, a division of forest, land, and water  
27 management to carry out this chapter and other appropriate duties  
28 designated by the governor. The division shall be headed by a director  
29 who shall be the state forester, appointed to the partially exempt

1 service in accordance with law by the commissioner, from a list of two  
2 or more candidates submitted by the board. The commissioner may reject  
3 all candidates, in which case the board shall submit a new list. The  
4 state forester shall be a natural resources land manager with generally  
5 accepted educational credentials, familiar and experienced with the  
6 renewable and nonrenewable resources and values of forest land and the  
7 products, benefits, and services obtained from them.

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

9 (a) The division shall manage state forests and, as directed by  
10 the commissioner, provide technical advice to the division of lands  
11 in the Department of Natural Resources on sound forest practices neces-  
12 sary to ensure the continuous growing and harvesting of commercial  
13 forest species on other state land.

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

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

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

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

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

24 (3) "commissioner" means the commissioner of renewable  
25 [NATURAL] resources;

26 (4) "department" means the Department of Renewable [NATURAL]  
27 Resources;

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

29 (11) the state forester, in the Department of Renewable

1 [NATURAL] Resources;

2 \* Sec. 32. AS 44.15.005 is amended by adding a new paragraph to read:

3 (18) Department of Renewable Resources

4 \* Sec. 33. AS 44.37.020(a) is amended to read:

5 (a) The Department of Natural Resources shall administer the  
6 state program for the conservation and development of natural resources,  
7 including [FORESTS, PARKS, AND RECREATIONAL AREAS,] lands, waters,  
8 [AGRICULTURE, SOIL CONSERVATION] and minerals (including petroleum and  
9 natural gas), but excluding state forests, parks and recreational  
10 areas, agriculture, commercial fisheries, sport fish, game, and fur-  
11 bearing animals in their natural state.

12 \* Sec. 34. TRANSFER OF FUNCTIONS. (a) The Department of Renewable  
13 Resources is vested with the duties, powers, and responsibilities formerly  
14 exercised and held by the Department of Natural Resources in respect to  
15 agriculture, forestry, parks, recreational areas and historical sites.

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

18 (1) division of agriculture, Department of Natural Resources;

19 (2) division of parks, Department of Natural Resources.

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

22 (1) Soil Conservation Board;

23 (2) Historical Sites Advisory Committee.

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

27 (e) Appropriations and other money available to and to become avail-  
28 able to a department, division, agency or commission, the functions, powers,  
29 and duties of which have been transferred to the department established

1 under this Act, shall be available for the objects and purposes for which  
2 appropriated or otherwise made available, subject to terms, restrictions,  
3 limitations, or other requirements imposed under this section or other state  
4 and federal law.

5 (f) Regulations, rules, orders, or other Acts in effect with respect  
6 to a department, division, agency, or commission transferred to the depart-  
7 ment under this section continue in full force and effect until amended,  
8 repealed, modified, or rescinded as the commissioner of renewable resources  
9 determines in accordance with law. Existing contracts made by a department,  
10 division, or agency transferred to the Department of Renewable Resources  
11 under this section continue in full force and effect until amended, repealed,  
12 modified, or rescinded as the commissioner of renewable resources determines  
13 in accordance with law. Existing contracts made by a department, division,  
14 or agency transferred to the department under this Act remain in effect  
15 according to the terms of the contracts.

16 (g) The powers, duties, and functions transferred to the department  
17 under this section are in addition to and not in derogation of the powers,  
18 duties, and functions otherwise vested in the department under this Act.

19 (h) All references in AS 03 to the Department of Natural Resources,  
20 the commissioner of natural resources, the division of agriculture, and the  
21 director of the division of agriculture shall be read as the Department of  
22 Renewable Resources and the commissioner of renewable resources in order to  
23 carry out the intent and purpose of this Act. All references to the Depart-  
24 ment of Natural Resources and the commissioner of natural resources in  
25 AS 41.10, AS 41.15 - 41.20, and AS 41.35 shall be read as the Department of  
26 Renewable Resources and the commissioner of renewable resources, respective-  
27 ly.

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

29 \* Sec. 36. This Act takes effect January 1, 1982.