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1 IN THE SENATE

BY MOSS

2

SENATE BILL NO. 47

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act dividing the Department of Natural Resources
7 into a Department of Renewable Resources and a De-
8 partment of Nonrenewable Resources."

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

10 * Section 1. STATEMENT OF PURPOSE AND POLICY. The legislature finds
11 that renewable and nonrenewable resources play a vital role in the economic
12 well-being and recreational quality of life in the state. Without these
13 resources, long-term sustained economic growth and continued recreational
14 opportunities would not be possible. Accordingly, to better serve the
15 interests of the state and its people, the legislature finds it necessary
16 to divide natural resources into two departments in the executive branch,
17 which will be responsible for the protection, enhancement, and development
18 of resources.

19 * Sec. 2. AS 44 is amended by adding a new chapter to read:

20 CHAPTER 36. DEPARTMENT OF RENEWABLE RESOURCES.

21 Sec. 44.36.010. COMMISSIONER OF RENEWABLE RESOURCES. The prin-
22 cipal executive officer of the Department of Renewable Resources is
23 the commissioner of renewable resources.

24 Sec. 44.36.020. POWERS AND DUTIES OF DEPARTMENT. (a) The
25 department shall administer the state program for the conservation and
26 development of renewable resources, including forests, parks, recrea-
27 tional areas, agriculture, historic and prehistoric sites, and soil
28 conservation, but excluding commercial fisheries, sport fish, game,
29 and fur-bearing animals in their natural state.

1 (b) The department shall

2 (1) coordinate and develop programs to protect and encour-
3 age the beneficial use of renewable resources;

4 (2) cooperate with the Department of Nonrenewable Resources
5 in the management of land that is valuable for both renewable and
6 nonrenewable uses;

7 (3) cooperate with federal, state, and local government
8 agencies to protect and encourage beneficial uses of renewable re-
9 sources;

10 (4) gather and distribute information on subjects connected
11 with agriculture;

12 (5) control and regulate the entry and transportation of
13 seeds, plants, and other horticultural products;

14 (6) control and eradicate the spread of pests injurious to
15 plants, vegetables, livestock, and poultry;

16 (7) aid in developing agricultural resources;

17 (8) experiment with and determine practical methods of
18 growing and processing agricultural products, soil analysis, eradica-
19 tion of obnoxious weeds, control of insects, and land clearing; and

20 (9) carry out the duties assigned to it by AS 03 and AS 41.

21 (c) The department shall

22 (1) sponsor, engage in, and direct fundamental research
23 into the archeology of the state and encourage and coordinate archeo-
24 logical research and investigation undertaken in the state;

25 (2) cooperate with the Historic Sites Advisory Committee in
26 performing its functions under AS 41.35;

27 (3) ensure that historic, prehistoric, and archeological
28 resources are properly reported by persons or agencies engaged in
29 public construction work and protect sites and objects of significance

1 discovered at state sites or discovered during the course of public
2 construction and encourage the protection of sites and objects dis-
3 covered during the course of any other construction work;

4 (4) investigate reported historic, prehistoric, or archeo-
5 logical resources and appraise them for any future excavation, preser-
6 vation, and interpretation;

7 (5) serve as a central clearinghouse for information on all
8 historic, prehistoric, and archeological resource excavation in the
9 state.

10 Sec. 44.36.030. ANNUAL REPORT. The commissioner shall submit to
11 the governor and the legislature an annual report before February 1 of
12 each year. The report shall include the recommendations of the com-
13 missioner for legislation necessary to develop and maintain renewable
14 resources in the state.

15 Sec. 44.36.040. DEPARTMENTAL ORGANIZATION. The commissioner
16 may, with the approval of the governor, organize the department into
17 divisions that can most efficiently perform the functions of the
18 department.

19 Sec. 44.36.050. DEFINITIONS. In this chapter

20 (1) "commissioner" means the commissioner of the Department
21 of Renewable Resources;

22 (2) "department" means the Department of Renewable Re-
23 sources;

24 (3) "renewable resources" means resources that, when prop-
25 erly managed, are capable of producing a sustained yield for an indef-
26 inite period of time but does not include commercial fish, sport fish,
27 game and fur-bearing animals in their natural state.

28 * Sec. 3. AS 38.05.069(a) is amended to read:

29 (a) If the director determines that the highest and best use of

1 unoccupied land is for agricultural purposes, the director may nomi-
2 nate the land for classification by the commissioner of renewable
3 resources as agricultural land under AS 38.05.312. After classifi-
4 cation of the land as agricultural land, the commissioner of renewable
5 resources may [AND IF HE DETERMINES THAT IT IS IN THE BEST INTERESTS
6 OF THE STATE TO SELL OR LEASE THE LAND, HE SHALL] grant to an Alaskan
7 resident owning and using or leasing and using land for agricultural
8 purposes a 60-day first option after the date of the auction to pur-
9 chase or lease the unoccupied land situated adjacent to or in the
10 approximate vicinity of the resident's [HIS] presently held land for
11 the amount of the high bid received at public auction. A parcel of
12 agricultural land sold under this section may not be less than 20
13 acres and a parcel of agricultural land which is acquired by exercise
14 of the option granted in this subsection may not exceed 320 acres.
15 Agricultural land which is acquired under this section must be used
16 for agricultural purposes as required by law.

17 * Sec. 4. AS 38.05 is amended by adding a new section to read:

18 Sec. 38.05.312. CLASSIFICATION OF LAND FOR AGRICULTURAL PUR-
19 POSES. The commissioner of renewable resources may nominate land the
20 commissioner considers suitable for classification as agricultural
21 land. The commissioner of renewable resources shall classify as
22 agricultural land by July 1, 1986, not less than 1,200,000 acres. As
23 used in this section, land classified as grazing land, park, or forest
24 land does not qualify as agricultural land.

25 * Sec. 5. TRANSFER OF FUNCTIONS TO DEPARTMENT OF RENEWABLE RESOURCES.

26 (a) The Department of Renewable Resources is vested with the duties,
27 powers, and responsibilities formerly exercised and held by the Department
28 of Natural Resources in respect to agriculture, forestry, parks, recre-
29 ational areas, historic, prehistoric and archeological sites.

1 (b) The powers, duties, and responsibilities of the divisions of
2 agriculture, parks, and forests, Department of Natural Resources, are
3 transferred to the Department of Renewable Resources.

4 (c) Supervision of the Soil Conservation Board established under
5 AS 41.10 is transferred from the Department of Natural Resources to the
6 Department of Renewable Resources.

7 (d) Supervision of the Historic Sites Advisory Committee established
8 under AS 41.35 is transferred from the Department of Natural Resources to
9 the Department of Renewable Resources.

10 (e) Appropriations, records, equipment, and other property of state
11 agencies referred to in (a) and (b) of this section are transferred to the
12 Department of Renewable Resources.

13 (f) Appropriations and other money available to and to become avail-
14 able to a state agency, the functions, powers and duties of which have been
15 transferred to the Department of Renewable Resources established under this
16 Act, shall be available for the objects and purposes for which appropriated
17 or otherwise made available, subject to terms, restrictions, limitations,
18 or other requirements imposed under this section or other state and federal
19 law.

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

1 the terms of the contracts.

2 (h) The powers, duties, and functions transferred to the Department
3 of Renewable Resources under this section are in addition to and not de-
4 rogated by the powers, duties, and functions otherwise vested in the de-
5 partment under this Act.

6 * Sec. 6. AS 44 is amended by adding a new chapter to read:

7 CHAPTER 38. DEPARTMENT OF NONRENEWABLE RESOURCES.

8 Sec. 44.38.010. COMMISSIONER OF NONRENEWABLE RESOURCES. The
9 principal executive officer of the Department of Nonrenewable Re-
10 sources is the commissioner of nonrenewable resources.

11 Sec. 44.38.020. POWERS AND DUTIES OF DEPARTMENT. The department
12 shall administer the state program for the conservation and develop-
13 ment of nonrenewable resources, including land, water, and minerals
14 (including petroleum and natural gas), but excluding commercial fish-
15 eries, sport fish, game, and fur-bearing animals in their natural
16 state.

17 Sec. 44.38.025. RECORDING. (a) The department shall adopt
18 regulations establishing, modifying, or discontinuing recording dis-
19 tricts or precincts and prescribing the records to be maintained and
20 the instruments to be recorded.

21 (b) The department shall engage and compensate recorders and
22 deputy recorders, prescribe and account for recording fees, and do all
23 other things necessary to maintain the recording system established
24 under the laws of the state.

25 (c) The department, with the concurrence of the administrative
26 director of courts, may appoint judicial employees to record documents
27 in locations where the department has no employees available to serve
28 as recorders.

29 Sec. 44.38.030. ANNUAL REPORT. The commissioner shall submit to

1 the governor and the legislature an annual report before February 1 of
2 each year. The report shall include the recommendations of the com-
3 missioner for legislation necessary to develop and conserve nonrenew-
4 able resources in the state.

5 Sec. 44.38.040. DEPARTMENTAL ORGANIZATION. The commissioner
6 may, with the approval of the governor, organize the department into
7 divisions that can most efficiently perform the functions of the
8 department.

9 Sec. 44.38.050. DEFINITIONS. In this chapter

10 (1) "commissioner" means the commissioner of the Department
11 of Nonrenewable Resources;

12 (2) "department" means the Department of Nonrenewable
13 Resources;

14 (3) "nonrenewable resources" means resources that, whenever
15 properly managed, are incapable of producing a sustained yield for an
16 indefinite period of time, but does not include commercial fish, sport
17 fish, game, and fur-bearing animals in their natural state.

18 * Sec. 7. TRANSFER OF FUNCTIONS TO THE DEPARTMENT OF NONRENEWABLE
19 RESOURCES. (a) The Department of Nonrenewable Resources is vested with
20 the duties, powers, and responsibilities formerly exercised and held by the
21 Department of Natural Resources in respect to land, water, and minerals
22 (including petroleum and natural gas).

23 (b) The powers, duties, and responsibilities of the divisions of land
24 and water management, geological and geophysical surveys, minerals and
25 energy management, pipeline surveillance, research and development, and
26 technical services, Department of Natural Resources, are transferred to the
27 Department of Nonrenewable Resources.

28 (c) Supervision of the Mineral Resource Fund Board established under
29 AS 41.05 and the Alaska Oil and Gas Development Board established under

1 AS 38.06 are transferred from the Department of Natural Resources to the
2 Department of Nonrenewable Resources.

3 (d) Appropriations, records, equipment, and other property of state
4 agencies referred to in (a) and (b) of this section are transferred to the
5 Department of Nonrenewable Resources.

6 (e) Appropriations and other money available to and to become avail-
7 able to a state agency, the functions, powers, and duties of which have
8 been transferred to the Department of Nonrenewable Resources established
9 under this Act, shall be available for the objects and purposes for which
10 appropriated or otherwise made available, subject to terms, restrictions,
11 limitations, or other requirements imposed under this section or other
12 state and federal law.

13 (f) Regulations, rules, orders, or other Acts in effect with respect
14 to a state agency transferred to the Department of Nonrenewable Resources
15 under this section shall continue in full force and effect until amended,
16 repealed, modified, or rescinded as the commissioner of nonrenewable re-
17 sources determines in accordance with law. Existing contracts made by a
18 state agency transferred to the Department of Nonrenewable Resources under
19 this section shall continue in full force and effect until amended, re-
20 pealed, modified, or rescinded as the commissioner of nonrenewable re-
21 sources determines in accordance with law. Existing contracts made by a
22 state agency transferred to the department under this Act remain in effect
23 according to the terms of the contracts.

24 (g) The powers, duties, and functions transferred to the Department
25 of Nonrenewable Resources under this section are in addition to and not
26 derogated by the powers, duties, and functions otherwise vested in the
27 department under this Act.

28 * Sec. 8. AS 44.37 is repealed.