

to the governor and the legislature at the time of submission of the departmental budget.

Sec. 15. This Act takes effect on the

day after its passage and approval or on the day it becomes law without such approval.

Approved April 12, 1963

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## CHAPTER 50

### AN ACT

**Relating to costs in criminal proceedings; and providing for an effective date.**

(H.B. 38)

**Be it enacted by the Legislature of the State of Alaska:**

Section 1. AS 12.80 is amended by adding a new section to read:

Sec. 12.80.030. **Taxation of Costs.** No costs shall be taxed to the defendant in a criminal action or proceeding begun

or prosecuted in any of the courts of the state unless otherwise ordered by supreme court rule.

Sec. 2. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved April 12, 1963

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## CHAPTER 51

### AN ACT

**Relating to financial assistance for qualified Alaska prospectors; and providing for an effective date.**

(H.B. 31)

**Be it enacted by the Legislature of the State of Alaska:**

Section 1. AS 27 is amended by adding a new chapter to read:

**Chapter 7. Financial Assistance to Prospectors.**

#### ARTICLE 1.

Sec. 27.07.010. **Administration.** The Department of Natural Resources shall administer this chapter.

Sec. 27.07.020. **Regulations.** The department shall adopt regulations necessary to administer this chapter and to protect the state from fraud or misuse of funds.

Sec. 27.07.030. **Screening Boards.** The department shall appoint one or more screening boards to review applications for assistance and make recommenda-

tions.

Sec. 27.07.040. **Composition of Screening Board.** Each screening board has three members. The chairman is the commissioner of natural resources or his delegate. One member is a state mining engineer or a state geologist and one is a professor or instructor of the mining extension course of the University of Alaska.

#### ARTICLE 2. Financial Assistance.

Sec. 27.07.060. **Items for Which Assistance Is Available.** (a) The Department of Natural Resources shall reimburse expenditures made by qualified prospectors for

(1) purchase of

(A) tents, camp stoves, and other camp gear, but not clothing, bed-

ding, light plants and lanterns, hunting and fishing equipment, cooking utensils, boats, motors, or vehicles;

(B) small tools, drill steel, camp hardware, first-aid kits;

(C) food, soap, and similar consumable items;

(D) gasoline and oil, blasting supplies, chemicals for mineral testing;

(E) transportation from the prospector's place of residence to the prospecting area and return, and transportation within the prospecting area;

(F) recording fees, postage on samples, assays, maps;

(2) rental of geochemical or geophysical equipment if the prospector is trained in its use, light weight percussion or diamond drills, churn drills, tracked or wheeled transport equipment, boats, and horses.

(b) In unusual cases, the department, by prior agreement, may permit a qualified prospector to receive credit for the rental value of certain items of equipment owned by the prospector.

**Sec. 27.07.070. Limitations on Assistance.** (a) The department may not pay a person more than \$2,000 nor a partnership more than \$4,000 in one calendar year under this chapter.

(b) The department may not reimburse a person for

(1) more than 75 per cent of the amount the person expended on items listed in sec. 60 of this chapter; the department may by regulation limit the amount reimbursed to less than 75 per cent;

(2) expenditures made or obligations incurred before the department approves the person's prospecting program or after the program terminates;

(3) expenditures that have not been approved by the department in the notification of qualification or in an amendment to the notification;

(4) any expenditures if the person did not spend at least 30 days in his prospecting area (which does not include

home or a public lodging house) during the period of his qualification;

(5) costs in prospecting on or developing mining claims in good standing at the beginning of the person's prospecting program or for work done on property owned by the prospector or other private persons; except that the department shall reimburse a person for costs in further prospecting on discoveries made and staked in a previous year as a result of a prospecting program carried out under this chapter.

### **ARTICLE 3. Qualifications for Assistance.**

**Sec. 27.07.090. Application.** (a) To obtain assistance under this chapter, a person must file an application with the department before undertaking a prospecting program.

(b) An applicant shall provide the department with

(1) his full name, permanent address, and the length of time he has been a resident of the state;

(2) his experience, education, and training in prospecting;

(3) his experience in traveling and living in remote areas;

(4) a description of the area in which he desires to prospect and the way he plans to travel;

(5) the approximate dates between which he intends to prospect;

(6) the minerals he hopes to find;

(7) the names and addresses of persons who will be associated with him in the prospecting venture;

(8) a detailed estimate of the cost of the prospecting program.

**Sec. 27.07.100. Review by Screening Board.** The department shall refer applications to a screening board. The screening board shall review each application referred to it to determine whether or not the applicant is capable of carrying out his prospecting program, and whether or not the program is realistic. After review, the screening board shall refer the application to the department, with recommendations.

Sec. 27.07.110. **Decision by Department.** The department shall review the application and recommendations made by the screening board and decide whether or not the applicant is qualified for assistance. An applicant is qualified if he is capable of carrying out his prospecting program and if the program is realistic.

Sec. 27.07.120. **Information on Which Decision Is Based.** The department and the screening boards may consider any relevant information in deciding on an applicant's qualification.

Sec. 27.07.130. **Time Limit.** A person's qualification to receive assistance expires on a date set by the department or within one year, whichever is shorter. There is no limit on the number of times a person may be qualified for a new prospecting program or for an extension of an old one.

Sec. 27.07.140. **Duty of Prospector.** (a) To receive reimbursement under this chapter, a prospector must prepare and submit to the department

(1) a daily diary of field activities, but, when two prospectors work together, a single diary for both is sufficient;

(2) one or more U. S. Geological Survey or Coast and Geodetic Survey maps with notations to show the areas covered by the prospecting;

(3) sketches of any detail work done on a discovery, with references to samples taken, assays made, or drilling done;

(4) notes and maps covering geochemical and geophysical work performed;

(5) a short summary of results, with recommendations concerning the area prospected.

(b) The department shall hold information submitted to it under this section confidential for two years from the date of submission, unless the person

submitting the information, in writing, authorizes its earlier release.

(c) At the conclusion of a prospecting program, the prospector shall submit to the department a statement of prospecting expenses on which he claims reimbursement, and shall support the statement with receipts and vouchers. The department may make reimbursement only on properly substantiated statements of expenses.

#### **ARTICLE 4. Miscellaneous Provisions.**

Sec. 27.07.160. **Ownership of Discoveries.** A qualified prospector may locate, stake, or lease a discovery made by him and may hold, own, or dispose of the discovery.

Sec. 27.07.170. **Nonliability.** Nothing in this chapter makes the state or an employee of the state liable for an act of commission or negligence or for a debt incurred by a prospector. Neither the state nor an employee of the state, by virtue of this chapter, may be made a party to an action brought against a prospector by others.

#### **ARTICLE 5. General Provisions.**

Sec. 27.07.190. **Definitions.** As used in this chapter,

(1) "department" means the Department of Natural Resources;

(2) "minerals" means naturally occurring metals or ores which may be reduced to metals or valuable metallic products; nonmetallic ores or compounds, gems and gemstones, clays, refractories, and high specification stone and sand; but does not mean coal, natural gas, petroleum, common stone, sand, or gravel.

Sec. 2. AS 27.05.140 - 27.05.170 are repealed.

Sec. 3. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved April 12, 1963