

CS FOR HOUSE BILL NO. 331(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered: 4/18/96
Referred: Finance

Sponsor(s): REPRESENTATIVES THERRIAULT, Kelly

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to mining; and providing for an effective date."

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** AS 38.05.130 is amended to read:

4 Sec. 38.05.130. DAMAGES AND POSTING OF BOND. Except for entry
5 to post mining location corners under AS 38.05.195, 38.05.205, or 38.05.245, rights
6 [RIGHTS] may not be exercised by the state, its lessees, successors, or assigns under
7 the reservation as set out in AS 38.05.125 until the state, its lessees, successors, or
8 assigns make provision to pay the owner of the land full payment for all damages
9 sustained by the owner [,] by reason of entering upon the land. If the owner for any
10 cause refuses or neglects to settle the damages, the state, its lessees, successors,
11 assigns, or an applicant for a lease or contract from the state for the purpose of
12 prospecting for valuable minerals, or option, contract, or lease for mining coal or lease
13 for extracting geothermal resources, petroleum, or natural gas, may enter upon the land
14 in the exercise of the reserved rights after posting a surety bond determined by the
15 director, after notice and an opportunity to be heard, to be sufficient as to form,

1 amount, and security to secure to the owner payment for damages, and may institute
2 legal proceedings in a court where the land is located, as may be necessary to
3 determine the damages that [WHICH] the owner may suffer.

4 * **Sec. 2.** RETROSPECTIVE EFFECT. The amendment made by this Act is retroactive
5 to May 2, 1959, the effective date of ch. 169, SLA 1959, and applies to exempt the state, its
6 lessees, successors, and assigns, including but not limited to an applicant for a lease or
7 contract from the state for the purpose of prospecting for valuable minerals, or an applicant
8 for an option, contract, or lease for mining coal or lease for extracting geothermal resources,
9 petroleum, or natural gas, from liability for damages sustained by a landowner by reason of
10 an entry upon the land under AS 38.05.130 to post mining location corners when the entry on
11 the land is authorized by AS 38.05.195, 38.05.205, or 38.05.245 and the entry on the land was
12 made on or after May 2, 1959.

13 * **Sec. 3.** This Act takes effect immediately under AS 01.10.070(c).